

ACTS

PASSED AT THE ANNUAL SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA.

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE
THIRD MONDAY IN NOVEMBER, ONE THOUSAND
EIGHT HUNDRED AND THIRTY-FOUR.

JOHN GAYLE, GOVERNOR.

FRANCIS S. LYON, PRESIDENT OF THE SENATE.

SAMUEL W. OLIVER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TUSCALOOSA:

DAVID FERGUSON,

STATE PRINTER.

1835.

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PUBLIC AND GENERAL

LAWS OF ALABAMA.

[No 1.]

AN ACT

To give publicity to the Opinions of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That within two months after the close of each session of the Supreme Court, it shall be the duty of the Reporter of the said court to publish in pamphlet form a list of all the points decided by said court during the session, together with the names of the cases so determined, for which the said Reporter shall be entitled to receive from the Comptroller of Public Accounts a warrant on the Treasury for the sum of one hundred dollars for each duty so performed. *Provided,* That before the said Reporter shall make such publication, it shall be his duty to submit to one of the Judges of the Supreme Court, who shall have presided during the term of said court next preceding the time within which such publication is hereby required to be made, a full and complete list of all the points decided at such term, with the names of all the cases determined, and to procure from such Judge a certificate signed by him, that he has examined the same and found it correct, and that he approves of the publication thereof.

Reporter to publish opinions of Supreme Court in pamphlet form.

To be submitted for correction.

Sec. 2. *And be it further enacted,* That the said Reporter shall furnish the several officers now entitled to copies of the Reports, each one copy of said pamphlet, with the liberty of publishing as many more as he chooses for sale or his own use.

Approved, December 13, 1834.



[No. 2.]

AN ACT

To amend a law therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act approved the 17th January, 1834, providing "for reporting the decisions of the Supreme Court," shall be so construed as to permit the Reporter to publish more than one volume a year, if he shall choose to do so, and for which he shall be entitled to receive the same compensation for each volume as if only one volume were to be published yearly, any law to the contrary notwithstanding.

Authorizing Reporter to publish more than 1 vol per year.

Approved, December 13, 1834.

[No. 3.]

AN ACT

Making an appropriation for the pay of the members of the present General Assembly and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of thirty-five thousand dollars be and the same is hereby appropriated, for the payment of the members of the present General Assembly, and the officers of the same.

Sec. 2. *And be it further enacted,* That the sum of three thousand dollars be, and the same is hereby appropriated for, and set apart as a contingent fund.

Approved, December 15, 1834.

[No. 4.]

AN ACT

To vacate the seat of any President or Director in the Bank of the State of Alabama or any of its Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever any President or Director of the Bank of the State of Alabama or any Branch Bank thereof, shall neglect, fail or refuse for the space of ten days, to pay his notes, drafts or bills of exchange, which may fall due in the Bank to which he has been elected, and be the property of the Bank of the State of Alabama or any Branch Bank thereof, his office of President or Director (as the case may be,) shall become vacant, and the board shall, at their next regular meeting, proceed to fill the same in the manner prescribed in the charter of said Bank, any law or usage to the contrary notwithstanding.

Approved, December 30, 1834.

[No. 5.]

AN ACT

To establish a State road from the town of Tuscaloosa to Mobile, by way of Foster's Ferry on the Warrior river, Springfield, Daniel's Prairie, Livingston and Washington Court House.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James G. Blount and Robert S. Foster of the town of Tuscaloosa, and Nathaniel G. Friend and William P. Gould of the county of Greene, Samuel W. Chapman and Matthias E. Garey of the county of Sumpter, James Mills and John Womac of Washington, and Mason Crawford and Solomon Anderson of the county of Mobile, or a majority of them, be, and they are hereby appointed Commissioners to view and mark out a way for a road to commence at the town of Tuscaloosa, and thence along the present State road to Foster's Ferry, thence the nearest and best route to Springfield in Greene county, thence the nearest and best route to Daniel's Prairie in said county, thence the nearest and best route to Livingston, by the way of Jones' Bluff, thence the nearest and best route to Washington Court House in the county of Washington, and thence the nearest and best route to the city of Mobile.

Sec. 2. *And be it further enacted,* That before the said Commissioners enter upon the discharge of the duties assigned

Commissioners.

Route.

Oath.

them by this act, they shall take and subscribe the following oath, to-wit: I, ———, do solemnly swear, that I will faithfully, and to the best of my judgment, view mark out and report, the best and most direct way for a road from place to place, as named in the first section of this act, so help me God.

Sec. 3. *And be it further enacted*, That it shall be the duty of said Commissioners after completing said review, to make out a report of the same, which report they shall transmit to the Judge of the County Court of the respective counties, through which the said road shall pass, and it shall be the duty of said Judges to appoint a sufficient number of overseers, whose duty it shall be, respectively, to open and mark out the said road, as now provided for by the existing laws now in force upon that subject, and all hands now liable to work on roads, living within five miles of the road hereby established, are hereby made liable to work on said road.

Make a return
Overseers.—
Appointment
of.

Sec. 4. *And be it further enacted*, That said Commissioners shall receive as compensation for their services on making such view and report, the sum of three dollars per day, an equal proportion of which shall be paid out of the Treasury of the respective counties through which said road will pass.

Commission-
ers. Comp-
ensation of.

Sec. 5. *And be it further enacted*, That said Commissioners are requested by this act, to confine themselves as nearly as practicable to sectional lines, in order that no material injury may be done to any tract or tracts of land by said road.

Duty of.

Approved, December 30, 1834.

[No. 6.]

AN ACT

Regulating the Circuit Court of Bibb County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the Circuit Courts of the county of Bibb, shall commence on the fourth Mondays after the fourth Mondays in March and September, and continue in session one week; and that all writs and process of every character whatsoever, heretofore made returnable to any other term of said court, be and the same are hereby made returnable to the term established by this act.

Approved, 30 December, 1834.

[No. 7.]

AN ACT

To attach that part of St Clair, east of the Coosa river, to a certain point to Benton county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all that section of the country east of the Coosa river, commencing at the mouth of Wills' Creek, and running up said river to Childress's ferry, and from thence following the Georgia road from the said ferry to the Georgia line, be, and the same is hereby attached to Benton county, and the said Coosa river on one side and the Georgia road on the other, are hereby made and established as the county boundaries of the said counties.

Repealing
clause.

Sec. 2. *And be it further enacted*, Thall all acts and parts of acts coming within the perview of this act, be, and the same are hereby repealed.

Approved, December 30, 1834.

[No. 8.]

AN ACT

To permit the selling of Beer and Cider.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for any free white person of this State, to sell undiluterated cider or Beer in any quantity they may think proper, free of any taxation, any law, usage, or custom to the contrary notwithstanding. *Provided*, That none shall be sold in one mile of any camp meeting or association without special leave from the managers of said meeting.

Approved, December 30, 1834.

[No. 9.]

AN ACT

To authorize the Bank of the State of Alabama and its several Branches to issue Post Notes.

How Post
notes may be
drawn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for the President and Directors of the Bank of the State of Alabama, and the President and Directors of the several Branches of said Bank, each, to issue post notes not to exceed one half of their paper, made payable at such places as they may deem expedient. *Provided however*, That said notes shall be drawn payable to some person or persons, and shall not have longer to run than ninety days. *Provided also*, That no interest shall accrue upon said notes until after payment has been refused by the Bank at which the same is made payable upon demand, in which event the holder shall be entitled to the same interest and damages as is now provided for by law on protested bills of exchange. *Provided*, That the State Bank and the Branches at Montgomery and Decatur, make one half of the post notes issued by authority of this act payable at Boston, New York, Philadelphia or Baltimore.

Repealing for-
mer law.

Sec. 2. *And be it further enacted*, That the law heretofore existing, which authorizes the Bank of the State of Alabama and its several Branches, to issue post notes, be, and the same is hereby repealed.

Approved, January 2, 1835.

[No. 10.]

AN ACT

To authorize a Justice of the Peace to appoint Patrols.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, any justice of the peace within the bounds of any captain's company in this State, when there is no captain, may regulate patrol detachments, and by appointing to every such detachment a leader or proper officer, which said detachments shall consist of the same number, be liable to the same penalties, and subject to the same

rules and regulations as are now provided by law for the appointment of patrols.

Approved, January 2, 1835.

[No. 11.]

AN ACT

To amend an act entitled an act to establish a Branch of the Bank of the State of Alabama at Decatur.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the President and Cashier of the Branch of the Bank of the State of Alabama at Decatur, shall before entering on the duties of their offices, give bond with approved security, in a sum not less than fifty thousand dollars.

Approved, January 5, 1835.

[No. 12.]

AN ACT

To authorize the personal estate of deceased persons to be reserved from sale for a limited time.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful, for the Judges of the several County Courts in this State, to authorize and permit, the executor or administrator of any estate, on application made and good cause shewn, to keep the personal estate of the decedant together, and exempt from sale for any length of time that they may deem advisable, not exceeding ten years.

Application to
Judge of county
court.

Sec. 2. *And be it further enacted,* That such administrator or executor, shall make an annual return to the Judge of the County Court of the county in which letters testamentary or letters of administration have been granted, of the manner in which such estate has been managed, the crops made, the expenses incurred, and the dispositions of all moneys received from the estate, and on failure to do so, it shall be the duty of the Judge of said County Court, forthwith, to issue an attachment against such executor or administrator, and compel him to make such return.

Annual return

Sec. 3. *And be it further enacted,* That such executor or administrator shall keep a regular account of all monies appropriated or expended for each and every person entitled to distribution of the estate, and make an annual return of the same to the Judge of the County Court.

Regular accounts to be kept.

Sec. 4. *And be it further enacted,* That the Judges of the county court are hereby directed and required to take from such executor or administrator, as aforesaid, bond with sufficient security for the faithful performance of the above enumerated duties.

Bond to be given.

Sec. 5. *And be it further enacted,* That this act shall not be so construed as to conflict with or defeat the provisions of the last will and testament of any testator.

Not to interfere with will.

Sec. 6. *And be it further enacted,* That this act shall not in any manner defeat or affect the rights of creditors, or be so construed as to prevent any legatee, or distributee of any estate, entitled to distribution thereof, whensoever they res-

Rights of creditors and legatees saved.

pectively arrive at full age, from drawing his or her proportionable share of such estate.

Approved, January 6, 1835.

[No. 13]

AN ACT

To regulate the sale of Poisonous Drugs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for any apothecary, druggist, or other person to sell or otherwise dispose of, to any slave or free person of color, or white child under the age of twelve years, any arsenic or corrosive sublimate, without a written order from some reputable known white person authorizing such sale.

Penalty.

Sec. 2. *And be it further enacted,* That should any person violate the provisions of the above section, he or they shall be subject to be indicted in the Circuit Court of the county in which the offence may be committed, and on conviction, shall be fined in a sum not exceeding five hundred dollars, to be assessed by the jury.

Shall be held accessories.

Sec. 3. *And be it further enacted,* That if any person or persons shall violate the provisions of this act, so that death or other serious injury shall ensue thereby, such person or persons shall be liable to all the pains and penalties of law now provided against accessories before the fact, and be proceeded against accordingly.

Repealing clause.

Sec. 4. *And be it further enacted,* That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, January 7, 1835.

[No. 14]

AN ACT

To regulate the collection of University Debts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the agent of the Trustees of the University of Alabama, to commence suit on all bonds or notes payable to the said University within a reasonable time after they become due.

Duty of Agent

Sec. 2. *And be it further enacted,* That the said agent is hereby required to make an examination into the situation of all such bonds or notes belonging to the said University, as may have been due for a longer period than three months, and where leases have not been taken on lands for which said bonds or notes were given, to issue notice to the payors thereof, requiring payment of the same within three months after such notice, together with all interest due thereon; and on failure of any person to discharge the same within the time limited by this act, it shall be the duty of the said agent to report such failure to the board of Trustees at the next session thereafter, when the lands of such delinquent, for which said bonds or notes may have been given, shall be forfeited under such provisions as the

laws regulating the sale of such lands, have required, and thereafter be liable to sale or entry as the Trustees shall direct.

Sec. 3. *And be it further enacted*, That it shall further be the duty of said Agent to ascertain the actual situation and amounts of debts now due and owing to the said University, whether as principal or interest; also, for what portion of lands they have been given; what lands have been sold; what lands are unsold, and the amount collected on them; and report the same to the next Legislature; and for making the report and performing the duties required by this act, the said Agent shall be entitled to Five per cent on the amount so examined and reported on, and no more. *Provided*, That if the labors of the said Agent shall, under the compensation allowed by this act, be too small, the Trustees shall be allowed to increase the same, so as to secure a prompt, faithful and efficient performance of the duties hereby required.

To ascertain what is owing &c.

Board of Trustees may increase salary of Agent.

Sec. 4. *And be it further enacted*, That it is made the duty of the present agent to settle with any former agent or agents, and for which he shall receive the rate of five per cent, to be calculated in the amount of money which the present agent shall or may receive on any such settlement with any former agent or agents.

Per centage.

Sec. 5. *And be it further enacted*, That when forfeitures have accrued on any lands which have, under any relief laws, been revalued, it shall be the duty of the said Agent, to adjust the same in the mode prescribed by law; and to release and give up any bonds, notes or judgments outstanding, and which may be satisfied and discharged by new bonds or payments, under any such relief law or laws.

Sec. 6. *And be it further enacted*, That in all cases where judgments have been taken or confessed in Franklin or any other county, and the parties have taken the benefit of the relief laws, and given new bonds or made new payments, as provided for by an act approved January 17, 1834, entitled an "act for the relief of the purchasers of the University lands;" the agent shall dismiss such judgments on the payment of costs. *Provided*, further, That the funds of the University shall not in any case be subjected to a charge of more than five per cent in all for collection.

Approved, January 7, 1835.

AN ACT

[No. 15]

For the relief of purchasers of lands sold at the Land Office in Courtland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the fifth and last instalment due upon lands sold at the Land office in Courtland, shall be divided into two equal payments, the first of which shall become payable at the time prescribed by an act passed December 21st, 1832; and the other part of said instalment shall be due and payable on the fifteenth day of October next. *Provided*, That if either of said pay-

ments should not be punctually made, it shall be the duty of the Register of said Land office to expose to sale, in thirty days thereafter, any lands upon which such failure of payment shall have occurred under the same rules and regulations as now prescribed by law.

Approved, January 7, 1835.

[No. 16.]

AN ACT

To repeal in part and explain an act entitled an act to raise a revenue for the support of Government until otherwise altered by law. Approved, January 13, 1827.

Repealing 7th
section of for-
mer act.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the seventh section of the above recited act, be, and the same is hereby repealed.

Stud. Horses
and Jacks.

Sec. 2. *And be it further enacted,* That the tax on imposed on stud horses and jacks, by the third section of the above recited act, shall be collected on such of those animals as shall be in possession of any person or persons, within this State, after the first day of May, in each and every year, and such tax shall be collected but in one county only, in which such animals may stand, and the certificate of the tax collector of any such county, that such animals have been given in to them, shall be sufficient to prevent the collection of the tax in any other county.

Approved, January 7, 1835.

[No 17.]

AN ACT

Authorizing the publication of the Supreme Court Decisions

Reports to be
published in
pamphletform

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the reports of the decisions of the Supreme Court of Alabama, shall hereafter be published, with the notice and as the law now directs, in pamphlet form, so soon after the close of each session of the said court as can be done. *Provided,* That the reports of each session of said court, shall be, in all cases, published before the commencement of a succeeding term.

Salary of Re-
porter.

Sec. 2. *And be it further enacted,* That the salary of the Reporter shall be the same as now allowed by law; to be paid half yearly, as now provided, on the certificate of a majority of the Judges of said Court, that the decisions of each term of said Court, have been correctly reported.

Repealing
clause.

Sec. 3. *And be it further enacted,* That all laws and parts of laws conflicting with the provisions of this act, be, and they are hereby repealed.

Approved, January 8, 1835.

[No. 18.]

AN ACT

Defining the time of making payment for certain Lands sold at the Land Office at Courtland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all instalments which shall hereafter fall due and payable at the land office at Courtland, between the first day of May and the first day of September annually, for lands entered at the land office, shall not be required to be paid before

the first day of September, any law, custom, or usage to the contrary notwithstanding. Approved, January 9, 1835.

[No. 19.]

AN ACT

Pointing out the mode of appointing Inspectors of Elections and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Judge of the County Court and Commissioners of roads and revenue, for the several counties in this State, at the term of the Commissioner's court, for their respective counties, immediately preceding any election for electors of President and Vice President of the United States, members of Congress, members of the General Assembly, and such county officers as are elected, by the qualified voters of their whole counties, to appoint three inspectors for each precinct in their respective counties, to hold said election, a majority of whom may act: *Provided,* however, if no such appointment shall have been made, or the inspectors so appointed shall fail to attend, it shall be the duty of the returning officer, appointed to hold said election, together with two Justices of the Peace, if any be present, to appoint said inspectors; and if there are no Justices of the Peace present, then the said officer, together with two house-holders, or free-holders, shall make said appointment.

Inspectors of Elections to be appointed.

Sec. 2. *And be it further enacted,* That the officers legally appointed to hold any of said elections, shall have the right to administer the oaths now required to be taken by inspectors and clerks of elections. *Provided,* there should be no Justice of the Peace present to administer the same.

Oath, how administered.

Sec. 3. *And be it further enacted,* That it shall be the duty of the inspectors of elections, to prosecute any person or persons, who may vote at the precinct where they may preside, and who shall not by the constitution and laws of the State, be entitled to vote at the same.

Duty of Inspectors to prosecute unqualified voters.

Sec. 4. *And be it further enacted,* That all laws and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed.

Repealing clause.

Approved, January 9, 1835.

[No. 20.]

AN ACT

To amend the charter of the Bank of Mobile, and to authorize the taking the sum of Seven Hundred and Forty Thousand Dollars by the State of the stock of said Bank.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the capital stock of the Bank of Mobile shall be, and the same is hereby increased, to the sum of one million eight hundred and fifty thousand dollars.

Capital increased.

Sec. 2. *And be it further enacted,* That the Board of Directors of the said Bank of Mobile, shall hereafter consist of fifteen members, and that the Governor shall appoint six Directors on the part of the State, for the present year; and after the

Directors.

present year, the Directors on the part of the State shall be elected by the joint vote of both Houses of the General Assembly.

Certificates of
State Stock to
be issued.

Sec. 3. *And be it further enacted*, That the Governor, Comptroller, Treasurer of the State, and President of the Bank of the State of Alabama, be, and they are hereby authorized and directed, to issue certificates of State Stock to the amount of seven hundred and forty thousand dollars, being the two-fifths of the capital stock of the said Bank, to which the State is entitled; which said stock shall bear an annual interest, not to exceed five per centum per annum, and shall be made payable to the President, Directors, and Company of the Bank of Mobile and their assigns, redeemable on the fourth day of January, one thousand eight hundred and fifty-nine.

Sec. 4. *And be it further enacted*, That whenever said State stock shall be issued in conformity with the provisions of this act, the same shall be delivered to the President, Directors and Company of the Bank of Mobile, upon their giving to the persons authorised to issue the same, a certificate under the seal of the said Bank, shewing that this State is entitled to two-fifths of the capital stock of said Bank, reserved as aforesaid, and to the dividends and profits arising therefrom.

Books of sub-
scription to be
opened.

Sec. 5. *And be it further enacted*, That Books shall be opened in the city of Mobile on the first day of May next, under the superintendence of three Commissioners to be appointed by the Governor of this State, and shall remain open for the space of thirty days, or until the sum of ten thousand dollars shall be subscribed. *Provided*, that no person, copartnership or body corporate, shall subscribe for more than one share within the first six days after the said books shall be opened.

Meeting of
Stockholders.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Directors of the said Bank, within three months after the passage of this act, to call a General meeting of the stockholders thereof, by giving at least six weeks public notice of the time and place of said meeting, in one or more newspapers printed in the city of Mobile, for the purpose of submitting this act to said stockholders for their assent to the provisions of the same, and which notice shall specify the object of said meeting, and a number of votes representing a majority of the said stock, counting the same in conformity with the scale established in the first article of the eighth section of the charter of said bank, shall be necessary to the adoption of this act as an amendment to the said charter, and from and after the said adoption, this act shall be taken as a part of the charter of said Bank.

Sec. 7. *And be it further enacted*, That should the said stockholders fail or refuse to signify their assent to this act within the term above specified, then the amount of State stock to be issued under the provisions of the first section of this act, shall be reduced to six hundred thousand dollars.

Approved, January 10, 1835.

[No. 21.]

AN ACT

To establish additional Boards of Physicians in the towns of Montgomery and Demopolis.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter there shall be a Board of Physicians established in the town of Montgomery.

Sec. 2. *And be it further enacted,* That the said Board of Physicians shall be appointed guided and regulated in all respects by the provisions of an act entitled "an act to amend an act to regulate the licensing of Physicians to practice, and for other purposes therein named, passed January 15, 1830.

Sec. 3. *And be it further enacted,* That there shall be a medical board established at the town of Demopolis in the county of Marengo, under the laws and restrictions establishing medical boards of this State. Approved, January 10, 1835.

[No. 22.]

AN ACT

To authorize the issuance of Executions in certain cases, and for other purposes,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, upon the rendition of any judgment in any Court of record in this State, it shall be lawful for the Judge of said Court in term time, to order the clerk thereof to issue execution immediately, upon the affidavit of the plaintiff, or his or her agent or attorney, that the defendant is about to remove his or her effects, beyond the jurisdiction of the Court, or that the plaintiff will be in danger of losing his or her demand by further delay.

Execution to be issued instantly on application of plaintiff.

Sec. 2. *And be it further enacted,* That the issuance of Appeal. execution in such case, shall not deprive the defendant or defendants of the right of appeal, writ of error, new trial, motion in arrest of judgment, or any other remedy to which by law, he or they would otherwise be entitled.

Sec. 3. *And be it further enacted,* That hereafter, when any execution shall have been issued on any judgment or decree of the Supreme Court, or any Circuit Court, or County Court within this State, or upon any judgment of a Justice of the Peace, within a year and day after the rendition of any such judgment, or the making of any such decree, which shall not have been returned satisfied in full, it shall and may be lawful, at any time thereafter, to issue execution on any such judgment or decree, without suing out any scire facias or other process, to revive the same. And when an execution shall have been issued or sued out on any such judgment or decree, within a year and a day from the rendition of any such judgment, or the making of any such decree, which shall not have been returned satisfied in full, such judgment or decree shall not, afterwards, be presumed to be paid or satisfied, without payment or satisfaction be entered on the record of the Court in which such judgment or decree shall have been rendered or made, or in the case of a judgment of a Justice of the Peace on the docket in which such judgment shall have been made, or on the ex-

How executions to be issued.

execution issued on such judgment or decree, unless no execution shall be issued on any such judgment or decree for the space of ten years, any law, usage, or custom to the contrary notwithstanding.

Scire Facias.

Sec. 4. And whereas doubts have arisen whether a scire facias would lie on a judgment where execution had not issued within the year and day, for remedy whereof, *Be it further enacted*, That on all judgments of record, where execution has not been issued within a year and a day, it shall be lawful for the plaintiff in any such judgment, to have scire facias against the defendant, commanding him to appear at a regular term of the court in which said judgment is of record, and shew cause, if any he or she have, why the plaintiff shall not have execution of his or her said judgment.

Approved, January 10, 1835.

[No. 23]

AN ACT

More effectually to provide for the Election of Justices of the Peace and Constables.

Elections.—
how held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever any vacancy exists or may hereafter occur in the office of Justice of the Peace or Constables in any Company beat wherein there is no commanding officer of the company in such beat, it shall be the duty of the Sheriff of the county in which such beat may be, or the Coroner, in case of vacancy in the office of Sheriff, on being informed by any person residing in such beat, of such vacancy, and that there is no commanding officer of the Company in said beat, immediately to notify the company in said beat of such vacancy, and call them together by advertisement, giving ten days notice of the time and place for the purpose of holding an election, to fill such vacancy, which election shall be held by the said Sheriff and two house holders or free holders, as he may appoint, and the said Sheriff so holding any such election, shall return the same as now required by law, of the commanding officer of the a company in any beat.

Penalty of
Sheriff for ne-
glect.

Sec. 2. *And be it further enacted*, That if any Sheriff shall fail or neglect for the space of one month to cause an election to be held under the provisions of this act, after being informed of the existence of any vacancy in the office of the Justice of the Peace or Constable in any Company beat, and that there is no Commanding officer of the Company in such beat, he shall be liable to a fine of thirty dollars, to be recovered before any Justice of the Peace of the proper county, to be paid into the County Treasury.

Sec. 3. *And be it further enacted*, That the counties of Henry, Dale, Covington, Shelby, Lauderdale, Limestone, Jefferson, Walker and Lowndes, be, and they are hereby exempt from the operations of this law, and also the counties of Coosa, Bibb, Fayette and St Clair, be, and they are hereby exempted from the operation of this law. Approved, January 10, 1835.

[No. 24.]

AN ACT

To create a sinking fund for the ultimate redemption of the State Bonds.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the President and Directors of the Bank of the State of Alabama and the President and Directors of the several Branch Banks thereof, to set apart all the profits of their respective Banks after paying the current expenses and the annual or semi-annual interest accruing on the State Bonds, and such sums, as may from time to time, be set apart for the support of government from such profits.

Duty of President and Directors.

Sec. 2. *And be it further enacted,* That the sums there set apart shall be known and denominated as the Sinking Fund, and all the profits of every kind over and above the current expenses, semi annual interest on State Bonds, and the six per cent interest on the University fund, shall belong to, and form a part of the Sinking Fund.

Sinking Fund

Sec. 3. *And be it further enacted,* That the State Bank and its several Branch Benks, shall continue to discount on the Sinking Fund, and all the profits arising on said fund shall exclusively belong to and compose a part of said Fund.

Discount of

Sec. 4. *And be it further enacted,* That it shall be the duty of the Presidents of the several Branch Banks, to cause statements to be made out on the 1st day of October in each and every year, of the state of the Sinking Fund of their respective Banks, and forward the same to the President of the Bank of the State of Alabama, whose duty it shall be to make out a general statement, condensing the several reports into one, and during the first week in each and every session of the General Assembly, lay a copy of the same before each House.

Statements to be made out.

Sec. 5. *And be it further enacted,* That whenever any State Bonds fall due, they shall be paid off out of the Sinking Fund under the orders of the Legislature.

Bonds to be paid.

Approved, January 10, 1835.

[No. 25.]

AN ACT

To authorize the Registering of Deeds which have not been registered within the time prescribed by law.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall at all times be lawful for any person or persons who have failed to have deeds and conveyances of real or personal estate, recorded within the time prescribed by law, to have them recorded. *Provided,* That such registration shall not effect the rights of subsequent purchasers or creditors, which may have vested previous to such registration, any law to the contrary notwithstanding.

Approved, January 10, 1835.

[No. 26.]

AN ACT

In relation to suits against Carriers by Water.

Section 1. *Be it enacted by the Senate and House of Re-*

representatives of the State of Alabama in General Assembly convened, That so much of the twelfth section of an act entitled an act establishing superior Courts, and declaring the powers of the Territorial Judges, passed February 10, 1807, as relates to or includes common or other carriers by water, be, and the same is hereby repealed.

How and where Carriers by water may be sued.

Sec. 2. *And be it further enacted,* That hereafter it shall and may be lawful, to sue any common or other carrier or carriers by water, whether they be the owner or owners of any vessel, steam boat, barge, flat boat, or other water craft, navigating any river or bay of this State, and which shall transport, convey or carry any goods, wares, merchandize, cotton, lumber, or passengers, for freight, hire or reward, in the county, where any contract or agreement, whether expressed or implied, for any such transportation, conveying or carrying, shall have been made or entered into. *Provided,* The defendant or defendants, or either of them to any such suit so to be brought shall be found in the county where any such contract was made, as well as in the county or counties in which the defendant or defendants, or either of them to any such suit, may reside or inhabit.

Repeal.

Sec. 3. *And be it further enacted,* That all acts and parts of acts, contraveing the provisions of this act, be, and the same are hereby repealed. Approved, January 10, 1835.

—*—*—*—

No. 27.]

AN ACT

Preamble.

In relation to the duties of the Judges of the County Courts, and for other purposes

WHEREAS, doubts have arisen whether or not Judges of the County Courts could make decrees for the sale of real estate of deceased persons, and exercise other powers in relation to the same, at the terms of the County Courts held in vacation; for remedy whereof,

Powers of judges of county courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the Judges of the several County Courts in this State, to hear and determine all applications for dower, as well as applications to sell the real estate of deceased persons, at any of the terms of the County Courts held in vacation.

Sec. 2. *And be it further enacted,* That all business of what kind soever, in relation to the settlement and distribution of the estates of deceased persons, may be heard and determined by the Judges aforesaid, at the terms of the County Courts held in vacation.

Appeal of widow on laying off dower.

Sec. 3. *And be it further enacted,* That when the widow of any deceased person, may be dissatisfied with the provisions made for her by the last will and testament of her deceased husband, it shall be lawful for any such widow, to signify her dissent thereto, at any term of the County Court in vacation, which dissent shall be entered by the Clerk, on the minutes of said

Court, and then, she shall be endowed as now provided by law.

Approved, January 10, 1835.

[No. 28.]

AN ACT

To authorize Lawyers residing in the State of Mississippi to practice Law in the Circuit and County Courts of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, resident Lawyers of the State of Mississippi, are hereby authorized to practice Law in the Circuit and County Courts of this State, upon motion and satisfactory evidence shewn to the Court, that the applicant is a practicing Lawyer of the State of Mississippi; and all such applicants shall take and file in the Clerk's office, such oaths as are required of lawyers in the State last aforesaid, any law to the contrary notwithstanding.

Approved, January 10, 1835.

No. 29.]

AN ACT

To amend the Charter of the Bank of the State of Alabama and the several Branch Banks thereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the President of the Bank of the State of Alabama, and the Presidents of the several Branch Banks thereof, to cause a statement to be made out of his account, and the account of each director, cashier, and other officers of said Bank, exhibiting the amount of discounts each may have received from said Bank on notes and bills of exchange, during the current year, and the amount then due on the same, and forward the same on the 1st November in each and every year, to be laid before the joint committee appointed to examine the affairs of said Bank.

Statement of liability of Directors to be made out.

Sec. 2. *And be it further enacted,* That it shall be the duty of the President of the Bank of the State of Alabama and the Presidents of the Branch Banks thereof, to answer any and every call made on them for information by either branch of the Legislature, any law or usage to the contrary notwithstanding.

To answer all calls made by the Legislature.

Approved, January 10, 1834.

[No. 30.]

AN ACT

To establish a Branch of the Bank of the State of Alabama at Huntsville, in the county of Madison, and to increase the capital stock of the Branch of the Bank of the State of Alabama at Decatur.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a Branch of the Bank of the State of Alabama, with a capital of five hundred thousand Dollars, be, and the same is hereby established at Huntsville, in the county of Madison, to be known and styled the Branch of the Bank of the State of Alabama at Huntsville.

Capital stock.

Sec. 2. And be it further enacted, That for the management of the concerns of said branch Bank, the Legislature shall proceed to elect, by joint vote of both Houses, a President and twelve Directors, whose office shall continue for one year, and until their successors shall be duly qualified, and all subsequent elections for President and Directors shall be by joint vote of both Houses of the General Assembly.

**Fundamental
rules.**

Sec. 3. And be it further enacted, That the following rules, powers, conditions, limitations and restrictions shall be the fundamental laws of said Branch Bank, viz: 1st. The President and Directors for the time being shall have power to elect and remove the Cashier, and such other officers and Clerks under them, as shall be necessary to execute the business of said Branch Bank, and allow them such compensation for their services, as shall be fixed on by law.—2d. They shall receive money on deposit, and pay out the same to order free of expense, deal in bills of exchange, discount notes made payable and negotiable at said Branch Bank, at a rate of interest not exceeding six per cent per annum; no individual, co-partnership, or body corporate shall be indebted directly or indirectly, by discount of any note or notes in a greater amount than two thousand dollars. 3d. In the case of vacancy by death, resignation or removal out of the State of any Director, a majority of the Directors shall fill up such vacancy, and the Director or Directors so appointed, shall hold his or their office during the unexpired term of such Director or Directors. 4th. In case of death, resignation, or removal out of the State of the President, unless such removal be temporary or by permission of the Board of Directors, the Directors shall appoint one of their own body President, who shall serve until his successor shall be elected by the next General Assembly; no person who is not a citizen of the State, or who is a Director of any other Bank or copartner of any such Director, shall be eligible as President or Director of said Branch Bank. 5th. Not less than seven Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which event the Board may appoint, for the time being, a President pro-tempore. 6th. The Directors shall keep fair and regular entries of all their proceedings in a well bound book, to be provided for that purpose; and upon all questions where one Director may require it, the yeas and nays shall, at all times on demand, be produced to the Legislature or any committee thereof, who may be duly authorized to require the same, and on all such questions every member present shall be required to vote. 7th. The President, Directors, Cashier, and officers and servants, shall take and subscribe the following oath before entering on the discharge of the duties of their respective offices: “I solemnly swear or affirm (as the case may be) that I will faithfully, impartially and

**Election of
President and
Directors.**

correctly, to the best of my skill and ability, discharge the trust reposed in me, as ——— of the Branch of the Bank of the State of Alabama at Huntsville, and that whilst I am such, I will not violate the provisions of an act, entitled an act, to regulate the rate of interest passed December 17, 1819, so long as I may continue to discharge the duties of said office, so help me God."

Oath of officers.

Sec. 4. *And be it further enacted*, That every President and Cashier, before he enters on the execution of his duty, shall give bond with two or more securities, in a sum of not less than fifty thousand dollars, to the satisfaction of the Directors, which shall be forwarded to the seat of Government, to be approved by the Governor, Comptroller and Treasurer of the State, or a majority of them, and filed in the Comptroller's office, conditioned for his good behavior: and the Teller and Clerks shall give security in a sum not less than ten thousand dollars, to be approved by the President and Directors of said Branch Bank, and conditioned as aforesaid.

Bond and security to be given.

Sec. 5. *And be it further enacted*, That the President and Directors shall have power to issue notes signed by the President and countersigned by the Cashier, not under the denomination of five dollars, on the behalf of said Branch Bank for such sums, and with such devices as they may deem most expedient and safe; and they shall be capable of exercising such other powers and authority as may be necessary for the well governing and ordering the affairs of said Branch Bank, and of promoting its interest and its credit.

Notes, how issued.

Sec. 6. *And be it further enacted*, That it shall be the duty of the President and Directors to furnish the General Assembly, within the first week of every session, statements of the amount of the capital of the said Branch Bank, and of the debts due to the same, of the monies deposited therein, of the notes in circulation and of the cash on hand, together with all other property of said Branch Bank, both real and personal; and the General Assembly shall have a right to inspect all accounts, books and papers of every kind whatsoever belonging to said Branch Bank, and shall, when it may be deemed necessary, appoint a joint committee of both Houses of the General Assembly for that purpose, with full power to send for persons and papers.

Statements to be furnished.

Sec. 7. *And be it further enacted*, That if any person or persons shall be indebted to said Branch Bank, as maker or endorser of any note, bill or bond, expressly made negotiable and payable at said Branch Bank; and shall delay payment thereof, it shall be lawful for the President of the Branch Bank, after having given thirty days notice thereof, to move the Circuit or County Court, of the county in which said Branch Bank may be located, or where either of the defendants reside, on producing to such Court before whom the motion is made, a

Debts, how accruable for and against Banks.

certificate of the President of the Branch Bank, that the debt is really and bona fide the Property of said Branch Bank for judgment, and all debts due by said Branch Bank, by bond, bill, note or otherwise, to any individual or body corporate, may be sued for and recovered in like manner.

Punishment
for embezz-
ling.

Sec. 8. *And be it further enacted*, That if any officer of said Branch Bank shall embezzle or fraudulently convert to his or their own use any sum of money, bank note, bill of exchange, check, bond or other security belonging to said Bank, he or they, his or their aiders or counsellors upon conviction thereof, shall be judged guilty of felony, and be sentenced to imprisonment in the public jail of the county in which the offence has been committed, for a term not less than twelve months, and there remain, and shall not be relieved from imprisonment by the acts of insolvency, until he or they shall make good all damages which the Bank may have sustained by his or their misconduct, and be fined at the discretion of the jury trying the offence, and shall forever thereafter be disqualified from holding any office of profit or trust in the State, and shall moreover be liable for the sum so embezzled.

Endorsers.

Sec. 9. *And be it further enacted*, That it shall not be lawful for the President, Directors, Cashier or other officers of said Branch Bank, or any member of the General Assembly to become endorser or securities for each other, or for any other person or persons at said Branch Bank.

Where notes
to be issued.

Sec. 10. *And be it further enacted*, That it shall not be lawful for the President and Directors of said Branch Bank, to commence operations by discounting or issuing any notes or bills, until one half of the capital of said Branch Bank shall be had in specie in its vaults.

Debt of Bank

Sec. 11. *And be it further enacted*, That the total amount of debts which the said Branch Bank shall at any time owe, whether by bond, note, bill or contract, shall not exceed twice the amount of its capital, over and above the monies then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of this State; and in case of excess, the Directors, under whose administration it shall happen, shall be liable for the same in their private capacities, and an action of debt may, in such case, be brought against them, or any of them, their or any of their executors or administrators in any Court of this State having jurisdiction, by any creditor or creditors of said Branch Bank, and may be prosecuted to judgment and execution, any condition, covenant and agreement to the contrary notwithstanding; but this shall not be construed to exempt said Bank or the lands, tenements, goods or chattels of the same, and on their insufficiency, the State of Alabama from being also liable, and for being chargeable with said excess; such of the said Directors, who may have been absent when said excess was

Liability of
Directors.

contracted or created, or who may have dissented from the resolution or act by which the same was contracted or created, may respectively exonerate themselves from being individually liable, by entering, if present, their dissent on the books of the Bank at the time the debt may be so contracted, and forthwith give notice of the same to the Comptroller of the State.

Sec. 12. *And be it further enacted*, That the credit of the State of Alabama is hereby pledged for the ultimate redemption and payment of all notes issued, and all debts contracted by said Branch Bank. Credit of state pledged.

Sec. 13. *And be it further enacted*, That the remedy for collecting debts shall be reciprocal for and against said Branch Bank.

Sec. 14. *And be it further enacted*, That the Governor, Comptroller, Treasurer of the State, and President of the State Bank, be, and they are hereby authorized and required to advertise, by giving at least ninety days notice in such newspapers as are published in the northern cities, and in this State, as they may deem necessary and proper, for the sale of one million of dollars, State Bonds, bearing an annual interest of five per cent payable semi-annually at the Bank of the State of Alabama, or at such other places as may be agreed upon; said Bonds to be redeemable at the expiration of thirty years, or at any time thereafter that the State may choose; which sale shall take place in the city of Tuscaloosa; and when the contract for the sale of the said bonds has been effected, then it shall be the duty of the Governor, Comptroller, Treasurer of the State, and President of the State Bank to issue the certificates of State Stock, not exceeding one million of dollars; *Provided*, that said certificates shall be issued in such sums as may suit the purchaser or purchasers, from one to ten thousand dollars each. *And Provided further*, That should the said bonds not be sold at Tuscaloosa, as herein provided, within one hundred and twenty days from the date of advertising the same, that then and in that case, it shall be the duty of the Governor to appoint some suitable agent to effect the sale of the said bonds in the eastern cities or elsewhere: *Provided*, The agent, who shall be employed to negotiate said loan shall not receive as compensation, less than two thousand nor more than four thousand dollars, at the discretion of a succeeding Legislature. And it shall be the duty of the Treasurer of the State to provide a suitable book, and register said certificates therein, and then deliver the same to the President and Directors of the Bank of the State of Alabama, taking their receipt therein; and it shall be the duty of the said President and Directors to cause five hundred thousand dollars of the funds arising from the sale of said stock to be delivered to the President and Directors of the said Branch Bank, taking their receipt therefor, and said five hundred thousand dollars shall compose the capital; no certificate of State Stock shall be Advertisement of a sale of State bonds
Treasurer to provide books to register certificates.

sold for a less sum than its par value, and in consideration of the duties thus required of the Governor, Treasurer, Comptroller and President of the State Bank, and also the Secretary of State for affixing the seal of the State, to the said certificate, shall require no compensation.

Funds and
faith of State
pledged.

Sec. 15. *And be it further enacted*, That to serve the regular and punctual payment of the interest semi-annually, and the ultimate redemption of said Stock, all the revenue of the State, except the University fund, the three per cent fund, and the fund arising from the sale of the sixteenth sections, shall be, and the same is hereby pledged, and in case of a deficiency, the faith of the state is hereby solemnly pledged to provide such additional means as may be necessary.

Post Notes.

Sec. 16. *And be it further enacted*, That it shall be lawful for the President and Directors of said Branch Bank to issue post notes made payable at such places as they may deem expedient: *Provided, however*, Said notes shall be drawn payable to some person or persons; and shall not have longer than ninety days to run; *Provided, also*, That no interest shall accrue on said notes until after payment has been refused by the Bank issuing the same upon demand, in which event the holder shall be entitled to the same interest and damages as is now provided by law on protested bills of exchange: *Provided, also*, That said Branch Bank shall not issue more than one third of its paper in post notes.

Stock of De-
catur Bank in-
creased.

Sec. 17. *And be it further enacted*, That the remaining five hundred thousand dollars, which shall accrue from the sale of the State Bonds for one million of dollars, directed to be sold in the fourteenth section of this act, shall be delivered by the President and Directors of the Bank of the State of Alabama, to the President and Directors of the Branch of the Bank of the State of Alabama at Decatur, taking their receipt therefor, and said five hundred thousand dollars shall be applied to, and compose a part of, the capital stock of the Branch of the Bank of the State of Alabama at Decatur: *Provided, however*, That said increase of five hundred thousand dollars, shall be set apart to compose the capital stock for a Branch of the Bank of the State of Alabama at the town of Florence, in the county of Lauderdale, whensoever, after the first day of March 1836, the Legislature of Alabama shall deem it proper to establish a Branch Bank at that point.

Approved, January 10, 1835.

[No. 31.]

AN ACT

To authorize the Governor to employ a Private Secretary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be, and he is hereby authorized to employ a Private Secretary, at an annual salary not to exceed

three hundred and fifty dollars, to be paid quarterly out of any monies in the Treasury not otherwise appropriated.

Approved, January 10, 1835.

[No. 32.]

AN ACT

Making appropriations for the year 1835.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

That the following sums of money be, and the same are hereby appropriated to defray the expenses of the court list, and other necessary charges on the government, viz: for the payment of the annual salary of the Governor, the sum of twenty-five hundred dollars; for the payment of the annual salaries of the Secretary of State, the Comptroller and Treasurer, the sum of one thousand dollars each, making three thousand dollars; for the payment of the annual salaries of the Judges of the Supreme court, seventeen hundred and fifty dollars each, making five thousand two hundred and fifty dollars; for the payment of the annual salaries of the Circuit Judges, the sum of fifteen hundred dollars each, making twelve thousand dollars; for the payment of the annual salary of the Attorney General, four hundred and twenty-five dollars, for the payment of the annual salary of the Solicitor of the first judicial circuit, three hundred and fifty dollars; for the payment of the annual salaries of the Solicitors of the second, fourth, fifth, sixth, seventh, and eighth judicial circuits, the sum of two hundred and fifty dollars each, making the sum of fifteen hundred dollars; for the payment of the Quarter Master General, the sum of two hundred dollars; for the payment of the Secretary of the Senate, and the principal Clerk of the House of Representatives, each, seven dollars per day during the session of the Legislature; for the payment of the assistant Secretary of the Senate, and the assistant and engrossing clerks of the House of Representatives, each five dollars per day; for the payment of the doorkeepers of the Senate and House of Representatives, each, four dollars per day; for the payment of the Messenger of the House of Representatives, four dollars per day; to be paid out of any money in the Treasury not otherwise appropriated.

To defray
Court list.—
Governor, Secretary of
State, Comptroller and
Treasurer.

Judges of Supreme Court.

Circuit Court
Judges.

Attorney General.

Solicitor of
first Judicial
circuit.

Solicitors of
second, fourth
fifth, sixth and
eighth.

Quarter master
General.

Officers of
Senate and H.
of Reps.

Sec. 2. *And be it further enacted,* That the sum of one hundred and fifty dollars be, and the same is hereby appropriated for the Secretary of the Senate for completing the journal, and arranging the papers of the annual session, and the sum of one hundred and fifty dollars be, and the same is hereby appropriated, for the payment of the Clerk of the House of Representatives for completing the journal and arranging the papers of the House of Representatives of the annual session.

Secretary of
Senate.

Clerk of H of
reps.

Sec. 3. *And be it further enacted,* That the sum of three hundred dollars be, and the same is hereby appropriated for the payment of the Secretary of State for copying and making an

Sec. of State

index to the laws, for copying the journals of each house of the General Assembly of the present session, preparing the whole for the press, and superintending the printing thereof.

Comptroller-
of public Ac
counts.

Sec. 4. *And be it further enacted*, That the sum of two hundred and fifty dollars be, and the same is hereby appropriated to the Comptroller of Public Accounts as payment of Clerk hire in his office for the past year.

State Printer.

Sec. 5. *And be it further enacted*, That the sum of two thousand eight hundred dollars be, and the same is hereby appropriated for the payment of the annual salary of the State Printer for the present year.

Approved, January 10, 1835.



[No 33.]

AN ACT

To better regulate the returns of the strength of the militia of the State of Alabama-

Duty of Brig.
adier General

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be the duty of Brigadier Generals to make a complete return of their respective Brigades to the Secretary of State, on or before the first Monday in December in each and every year.

Companies of
less than for-
ty privates,

Sec. 2. *And be it further enacted*, That the Colonel Commandants shall have power to make and form companies in their respective regiments, of a less number than forty privates, whenever they believe it necessary for the good of the country: *Provided*, That no company so formed shall be of a less number than thirty privates.

Cleansing of
State Arms

Sec. 3. *And be it further enacted*, That hereafter, it shall be the duty of the Governor, and he is hereby empowered to contract for and with the Quarter-master General or any other person that he may think proper, for the cleaning and safe keeping of the public arms now in the arsenal of the State.

Repeal.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, are hereby repealed.

Officers to be
uniformed.

Exemption.

Sec. 5. *And be it further enacted*, That all commissioned officers now in office, or who may be hereafter commissioned, and who shall appear in full uniform and shall serve in such capacity for the term of five years, shall be exempt from road and military duty, except in cases of invasion or insurrection.

Records to be
made of ser-
vice and by
whom.

Sec. 6. *And be it further enacted*, That it shall be the duty of Adjutants of Divisions, Adjutants of Brigades, and Adjutants of Regiments, to keep, respectively, a book, in which they shall make a record of all the names of the staff, field and subaltern officers, who shall appear in uniform, and at the expiration of the term of five years service of each and every officer, upon application of a subaltern officer, the Colonel Commandant shall give his certificate of such service, and upon application by each of the field or Brigade staff officers, to the Brigadier Gen-

eral, he shall give his certificate, and likewise upon application to the Major General of Divisions by any of the Brigadier Generals or the staff of the Major Generals, he shall give his certificate of such services performed, and when countersigned by Adjutants of Divisions, Assistant Adjutants of Brigades or Adjutants of Regiments, as the case may be, shall be sufficient evidence before any court martial or court of justice in this State, to extend to any officer the benefits of this act.

Approved, January 10, 1835.

[No. 34.]

AN ACT

To raise a revenue for the support of Government, until otherwise altered by law.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all lands in this State, subject to taxation, shall belong to one class; the first quality of which shall be rated at sixteen dollars; the second quality at ten dollars; the third quality at four; and the fourth quality at one dollar and twenty-five cents; and the owner or person, subject to pay taxes for the same, shall, when he or she shall give in a list of his or her lands, state on oath, to which quality they believe his or her lands belong: *Provided,* That all persons owning lands in this State, liable to pay tax, shall be returned to the tax collector of the county in which he or she may reside. Tax on land.
List.

Sec. 2. *And be it further enacted,* That the sum of five cents for every hundred dollars, be paid on all lands in this State subject to taxation.

Sec. 3. *And be it further enacted,* That the sum of five cents shall be paid for every hundred dollars value of all lands, lots or buildings within any city or town, to be estimated by the person giving in the same upon oath; ten cents on every hundred dollars on the amount of merchandize, domestic or foreign; except such domestic articles as are manufactured in this State, sold between the first day of May, 1834, and the first day of May, 1835, and so on hereafter between the first day of May in one year, and the first day of May in the succeeding year; and if any person or persons vending merchandize, shall refuse to give in a list of the amount of goods sold on or before the first day of August, annually, he or they shall forfeit and pay the sum of three hundred dollars, to be collected by the assessor and tax collector in the same manner as other state and county taxes are collected, which amount shall be paid into the State Treasury; and for every slave not exceeding ten years old, eight cents; and for each over ten and under sixty, twenty eight cents; for all free male negroes and mulattoes, over twenty-one years, fifty cents each; for all free white males above the age of twenty one years, and not exceeding forty-five, twelve and a half cents each; for all pleasure carriages and harness, twenty-five cents on every hundred dollars of their Merchandise.
Slaves
Poll Tax.

Carriages,
Horses and
Jacks.

Clocks and
Watches.

estimated value, to be ascertained by the oath of the party giving in the same to the assessor; for every horse kept exclusively for racing, the saddle or pleasure carriage, twenty-five cents; for every public race track, five dollars; for every stud horse or jack ass, half the amount which said stud horse or jack ass may stand by the season; for every billiard table kept for play, one hundred and fifty dollars; for every gold watch kept for use, fifty cents; for every silver or other watch kept for use, twenty cents; for every clock kept for use, the works of which are made of metal, fifty cents; for every clock of any other description kept for use, twelve and one half cents; money loaned at interest for every hundred dollars, twelve and one half cents.

Repeal

Sec. 4. *And be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed: *Provided*, however, that all parts of the law providing for raising a revenue, approved, January 13th, 1827, not hereby expressly repealed, be, and the same are continued in full force.

Commission-
ers of Roads
and Revenue
may lay tax.

Sec. 5. *And be it further enacted*, That the Commissioner's Court at their first or second term in each and every year, shall, according to the demands of their respective counties, be authorized to lay a tax upon the same property and objects, as are subject to state taxation, not to exceed, upon each particular article or object of taxation, the State tax for that year.

Approved, January 10, 1835.

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[No. 35]

AN ACT

To amend the law in relation to tavern license.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the act requiring the monies accruing on tavern and retailing license, to be paid into the State Treasury for the use of the State, be, and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, that the county clerks be required to pay the county Treasurer the money accruing on said licenses for the use of the respective counties in this State, all laws and acts to the contrary notwithstanding.

Approved, January 10, 1835.

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[No. 36.]

AN ACT

To prohibit the circulation of certain bills and notes therein mentioned, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of June next, it shall not be lawful for any person or persons to offer in payment, or

to pass or circulate within this State, any bill or note of any bank out of this State, of a less denomination or amount than five dollars: and all payments made, or which purport or shall be pretended to be made, after the first day of June next, in any such note or notes, bill or bills, shall be entirely void and of no effect whatever, as if no such payment had been made or been pretended to be made: and all such notes or bills shall be deemed to be of no value in this State.

Bills of other States under 5 dollars.

Sec. 2. *And be it further enacted*, That if any person or persons, after the first day of June next, shall be guilty of the offence of offering in payment, or passing, or circulating within this State, any bill or note of any bank out of this State, of a less denomination or amount than five dollars, every such person or persons so offending, shall on conviction, before any justice of the peace, be fined in the sum of twenty dollars for each and every such offence; to be paid into the Treasury of the county in which such offence shall have been committed.

Fine for passing such notes.

Sec. 3. *And be it further enacted*, That from and after the first day of June next, it shall not be lawful for the Bank of the State of Alabama, nor any Branch thereof, to issue, emit or circulate any note or bill of a less denomination or amount than five dollars.

Banks not to issue bills of a less denomination than \$5

Sec. 4. *And be it further enacted*, That from and after the first day of January next, it shall not be lawful for the Bank of the State of Alabama, nor any Branch thereof, to receive in payment or on deposit, any note or bill of a less denomination than five dollars on any other bank, except only the said State Bank and branches. *Provided*, That nothing in this bill contained, shall prohibit or exonerate the Bank from redeeming said bills under the denomination of five dollars, at any time before and after the first day of January, 1836: *And provided further*, That the penalty of twenty dollars shall only be incurred on the commission of the second offence spoken of in the second section of this bill. Approved, January 10, 1835.

Shall not receive on deposit.

No. 37.]

AN ACT

To authorize the Governor to employ an Engineer for a certain purposes therein specified.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That the Governor of this State is hereby authorized and required to employ a suitable and skilful engineer, to survey and ascertain the most eligible route for a rail road from the mouth of Beaver Creek in the county of St. Clair, near the head of the Ten Islands on the Coosa River, to the Wetumpka falls, and report the same to the Speaker of the House of Representatives; also, with a map and estimate of the probable expense of the proposed plan, on the first day of the next session of the Legislature; the expense of which shall be

Rail Road.

paid out of the three per cent fund, upon satisfactory shewing that the aforesaid services had been rendered.

Assistants.

compensation

Sec. 2. *And be it further enacted*, That the Governor is hereby required to appoint two suitable persons residing in the section of country where said road may run, whose duty it shall be to assist the said engineer in ascertaining the best route for said road, whenever it may be necessary for the said engineer to attend the same, who shall be paid three dollars each, per day, during the time they may be necessarily engaged in the same, out of the three per cent fund, and upon the Governor's being satisfied that the services have been rendered, it shall be his duty to issue his order to the Comptroller, requiring him to issue his warrant for the same.

Stock.

Sec. 3. *And be it further enacted*, That if after the said survey and estimates are made, according to the provisions of this act, that if the General Assembly of this State should grant a charter to any company, to make said Rail Road, the amount expended by the State in having the survey and estimates of said road made, shall be held by the State as so much stock in said Road. *Provided*, The said survey does not cost more than three thousand dollars.

Approved, January 10, 1835.

[No. 38]

AN ACT

To change the time of holding the Circuit Courts of the second Judicial Circuit.

Courts, where held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Circuit Courts of the second Judicial Circuit, shall hereafter be held at the times following, that is to say: In the county of Dallas, on the first Mondays in March and September, in each and every year; in the county of Lowndes, on the third Monday in March and September, in each and every year; in the county of Autauga, on the second Monday after the third Monday in March and September, in each and every year; in the county of Bibb, on the fifth Monday after the third Monday in March and September, in each and every year; in the county of Perry, on the sixth Monday after the third Monday in March and September, in each and every year; and in the county of Wilcox, on the eighth Monday after the third Monday in March and September, in each and every year.

How long
Courts may
set

Sec. 2. *And be it further enacted*, That the said Courts shall be held, if the business so long require, in each of the counties of Dallas, Lowndes, Autauga and Perry, twelve judicial days each, in the county of Bibb six judicial days, and in the county of Wilcox until the business is disposed of in said Court.

Sec. 3. *And be it further enacted*, That the writs, process and recognizances returnable to any of said courts, which are

now or hereafter may be issued or taken, shall be returnable to the courts hereby established. Approved, January 10, 1835.

[No. 39.]

AN ACT

To amend an act passed on December 28, 1832, entitled an act to establish a State Road from the town of Tuscaloosa to the Mississippi line, in the direction of the town of Jackson in the State of Mississippi.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That to effectuate the objects of the act above alluded to, and so far as the said road runs, as reviewed through the county of Pickens, that John Spencer be appointed to open, and he is hereby appointed an overseer to open the Road aforesaid, as far as it goes through the county of Pickens, as at present reviewed. Overseer appointed

Sec. 2. *And be it further enacted,* That it shall be the duty of the said John Spencer, and he is hereby required to summons and cause to work on said road, all the persons within five miles of said road, residing in the county of Pickens, to work on and to open said Road, and that in every particular he shall, in relation thereto, be governed by the general law in reference to Roads. His duty.

Sec. 3. *And be it further enacted,* That to ascertain the damages which may be done to individuals by the opening of said Road in the said county of Pickens, John Vance, Henry San lers of the county of Pickens, William Spencer and Samuel T Liftin of the county of Green, and Simon Robinson and Robert Donaldson of the county of Tuscaloosa, be, and they are hereby appointed commissioners or a jury, to assess for each individual through whose lands the said road be run, first being sworn as in other cases, of the inquisition of ad quod damnum; and their inquest made out and returned to the county courts of Greene, Pickens and Tuscaloosa, shall authorize and is hereby directed, that said county courts shall respectively cause, out of the funds of the Treasury, one third of said sum so assessed, for damage, to be appropriated and paid to the persons respectively entitled to receive the same, as determined by said commissioners. Jury to assess damages.

Sec. 4. *And be it further enacted,* That this act shall be in force from and after the passage thereof.

Approved, January 10, 1835.

[No. 40.]

AN ACT

To be entitled an act to explain an act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of an act, authorizing the publication of the Supreme Court Decisions in pamphlet form, shall, on the consent of the printers, be extended to any contract now taken for printing and binding any volume of said Reports.

Approved, January 10, 1835.

[No. 41.]

AN ACT

To repeal in part an act to amend the several acts relating to the sixteenth sections. Approved, January 10 1833.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sixteenth section in Township six, of Range two west, in the county of Morgan, is hereby exempt from the operations of the above recited act.

Approved, January 10, 1835.

[No. 42.]

AN ACT

In relation to writs of ad quod damnum.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter all writs of *ad quod damnum*, shall be heard and tried by the Judge of the county court, at the regular term of the Orphan's Court, and all such writs shall be made returnable to the next succeeding term of said Court, after said writ shall be sued out, and all cases of *ad quod damnum* which shall be pending in any county court on the first day of March next, shall be transferred to the Orphan's Court aforesaid.

To be tried
in Orphan's
Court.

Sec. 2. *And be it further enacted,* That in all cases of *ad quod damnum*; any person making affidavit that he is interested against the party applying for said writ, and giving bond and security for the payment of all costs which shall be awarded against him in case he fail to defeat such application, shall, at any time after the granting of such writ, and before final judgment thereon, be allowed to make himself a party defendant thereto, and contest the same: *Provided,* The provisions of this section shall not apply to any case now pending.

How and who
may be made
party.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, January 10, 1835.

[No. 43]

AN ACT

In relation to suits of Ejectment and Demurrers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter; in all cases where the action of trespass to try Titles would, under the present laws, be the proper action, that the plaintiff, at his election, shall have either said action of Trespass to try title, or the action of ejectment, and when the action of ejectment shall be brought, it shall be lawful, and shall be the duty of the jury trying the same, to assess the damages in favor of the real plaintiff, as in actions of trespass to try titles:

Ejectment
may be
brought.

Sec. 2. *And be it further enacted,* That hereafter when a demurrer shall be overruled, and the party filing the demurrer shall plead over, he shall not be considered as waving any matter covered by the demurrer, but may afterwards assign every

Demurrers,
effect of.

such matter, and the overruling the demurrer in error, or in arrest of judgment.

Sec. 5. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Approved, January 10, 1835.

No. 44.]

AN ACT

To amend an act passed January 12th, 1833, entitled an act concerning Attachments.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, no person shall sue out any original attachment, without giving security or securities to the bond required to be entered into by the third section of the above entitled act, conditioned as provided for by said act, which security or securities shall be approved of by the Judge or Justice granting such attachment, and be subject to all the liabilities of the principal in said bond.

Approved, January 10, 1835.

No. 45.]

AN ACT

Concerning the taxes on Cattle-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the law now in force, as regards taxing cattle, be, and the same is hereby repealed.

Approved, January 10, 1835.

[No 46.]

AN ACT

To repeal in part an act passed the 20th day of January, 1829.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of an act approved January 20, 1829, as fixed the salary of the Register and Receiver of the Land office at Courtland, at one thousand dollars each per annum, be, and the same is hereby repealed, and that from and after the passage of this act, the said Register and Receiver shall receive, as compensation for their services, five hundred dollars per annum each, and no more.

Compensation of Register and Receiver.

Sec. 2. *And be it further enacted*, That if any vacancy shall occur in the said offices of Receiver and Register, during the recess of the Legislature, it shall be the duty of the Governor to fill such vacancy, taking such bond as is now required by law to be taken from those officers.

Vacancy, how filled. Repeal.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, allowing higher or other compensation to the said Register and Receiver, than is above allowed, are hereby repealed.

Repeal.

Approved, January 10, 1835.

To abolish and establish Election Precincts as therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That one election precinct be, and the same is hereby established at the house of Jacob Webb, and another at the house of J. Elliott at Pigeon's Roust, in the county of Walker, and another at the house of William Streeter at Mount Hope, in Lawrence county; also, one at the house of Augustus Bliss, and one at the house of James Hathhome in the eastern part of Randolph county, and the following in the county of Coosa, to-wit: one at the house of William Terry, one at the store house of Abraham Chancellor on Pecker-wood Creek, one at the store house of Mark E. Moore on Oserlarnaby creek, and one at the store house of John Sartin, and one at the house of James Cleveland on Tarrepin creek, in Benton county; and one at the store house of Harman & Praters, in the county of Talladega, and one at the house of Daniel Price in Russell county, and one at the house of William Hall, on the middle prong of the Cowaggie in Barbour county, and one at the house of Herbert L Suggs, and one at the house of David A. Mills, in the county of Marion, and one at east Wetumpka in the county of Montgomery, and one at F. S. Cook's and one at Edward A. McBryde's Macon county; and one at Namon Shrapshaws; and one at Tallassee in Tallapoosa county, and one at the house of Ebernlick Pate in the county of Butler; and one at the house of John B. Teals in the county of Henry.

Sec. 2. *And be it further enacted,* That the following election precincts heretofore established, be, and the same are hereby abolished, and discontinued, to-wit: one at the house of Archibald Downing, one at the house of Washington Campbell, one at the house of Alfred Mahan, one at the house of Solomon Robbins, one at the house of Hugh McMillian, one at the house of Thomas Walston, and one at the house of George Taylor in the county of Coosa; one at the store house of Alexander Sommerville in the county of Lawrence; one at the store house of John Berdin, and one at the Plumb Spring in the county of Benton; and one at the House of Giles Carter, and one at the house of William Davis, in the county of Marion.

Sec. 3. *And be it further enacted,* That hereafter election precincts be established at the following places, viz: at the house of Gerald Byone in the town of Stockton, in Baldwin county, and at the house of James Craft in Walker county, and at the house of Richard Steward in Talladega county, and one at the house of Charles Coons, and at the house of Col. Thomas Williams in Pickens county, and at the late residence of Willis Wood, in Talladega county, and at the house of William Hughs in Look-out Valley, Jackson county; and at Daniel Scroggin's in Montgomery county, and at the house of Simeon

Walker.

Lawrence.

Randolph.
Coosa.Benton.
Talladega.
Russell.

Barbour.

Marion.
Montgomery.
Macon.
Tallapoosa.Butler.
Henry.Coosa.
Lawrence.

Benton.

Talladega.

Wheeler, near Spring Hill, in Mobile county, and at Dailey's store in Monroe county, and at the house of Henry Shoemaker in Fayette county, and at the house of Jeremiah Lee in Lawrence county, and at St. Helena in the county of Madison, and at Townsend's Cow Pen in Pike county, and at the house of John Merick Sen. in Dale county, and at the town of Benton in Lowndes county, and at the house of David Childress in Jefferson county, and at the house of Cook and Collins in Macon county, and at Dyer's mills in Pike, and at the house of Henry Hendrick in the county of Talladega, and at Columbia in Hendly county, and at the town of Tuckabachee, and at Tuskegee, and at Capt. Green's muster ground in Macon county, and Homer Hines and Thomas Coker and William Zimmerman in the county of Tallapoosa, and at the house of Jeremiah Lee in the county of Lawrence, and at the house of Achilles S Moreman in Franklin county, at Athens in Dallas county, and at Cambridge in Dallas, and at Puckett's store, and at Spring Bluff, and at the house of Elijah Roussau in Sumpter county, and at Coln. Isaac Johnston's in Shelby, and at the house of Calvin Freeman in Henry county; and that two election precincts be established in Benton county, one at the house of George Johnson, and the other at the house of William Palmore on Hurricane creek in said county, one at the house of David McBrier in St. Clair county, and one at Dougherty's mills in said county, and at John C. Grayson's grocery store in Madison county, and also Farrar Mills in Dallas county; and those at the following places be, and the same are hereby abolished and discontinued: at the house of William Higgs in Macon county, and at the house of Bird Linthecome in Lawrence county, at Christopher Lowry's in Fayette county, and at John Gray's in Autauga county, and at Hambrick's in Monroe county, at William William's in Montgomery county, and at Daniel Walch's in Talladega, and at Old Town in Walker county, and at Armstrong's in Montgomery county, and at the house of James Pendleton, and at the house of Harlee Williamson, and at Mobile Point in Baldwin county, and at the house of Robert Brown in Benton county, and at Lewis's store in Sumpter county, and at Morgan's store in Dallas county, and at Grey & Greenings in said county: *Provided*, That nothing in this act shall be so construed as to discontinue the election precincts heretofore established at Armstrong's store in Lowndes county, and that the election precincts at the house of John Littlefield, James Thomasan and Israel Standifer, in St. Clair county; at the house of Simeon Bufort and of Colonel Newton in the county of Dale, at the house of Francis Adams in Benton county, be, and the same are hereby abolished. Approved, January 10, 1835

Mobile county

Monroe.

Fayette.

Lawrence.

Madison.

Pike.

Dale.

Lowndes.

Jefferson.

Macon.

Talladega.

Henry.

Macon.

Talladega.

Lawrence.

Franklin.

Dallas.

Dallas.

Sumpter.

Shelby.

Henry.

Benton.

Madison.

Dallas.

Macon.

Lawrence.

Fayette.

Autauga.

Monroe.

Montgomery.

Walker.

Montgomery.

Baldwin.

Benton.

Sumpter.

To explain an act to authorize the sales of sixteenth sections, and for other purposes, approved January 15, 1828.

Preamble.

WHEREAS it is matter of some doubt whether under the provisions of the second section of the act above mentioned, the school commissioners of sixteenth sections have power to sell such sixteenth sections, except in separate lots of eighty acres each, whereby great inconvenience is felt in the sale of such lots as have no timber upon them, and no inconsiderable diminution in their value is likely to occur. Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the second section of the act to authorize the sale of sixteenth sections, shall be so construed as to give to the school commissioners full power and discretion to sell said sections in such parcels as will, in their judgment, command the highest price for the same. *Provided always,* That when two or more lots of eighty acres each, shall be sold together, the sum received for the joint parcel shall not be less than the aggregate minimum price fixed upon the separate lots of which it is composed.

Approved, January 10, 1835.

PRIVATE AND LOCAL LAWS.

[No. 1.]

AN ACT

To change the time of holding the County Court of Pickens county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the terms of the County Courts of Pickens County, which are now by law to be holden on the second Monday of June and December, shall hereafter be holden on the fourth Mondays of January and July in each year.

Sec. 2. *And be it further enacted,* That all writs and other process which are or may be issued returnable to the term of said court, to be holden on the second Monday of December next, shall be returnable to the term of said court to be holden on the fourth Monday of January next; and that all causes and other questions, which would be properly determinable at the term if said court, to be holden on the second Monday of December next, shall stand for trial and determination at the term of said court, to be holden on the fourth Monday of January next.

Writs, when returnable.

Approved, November 20, 1834.

[No. 2.]

AN ACT

For the relief of Thomas S. Harvy, Guardian of the minor heirs of Benjamin Harvy deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall and may be lawful for Thomas S. Harvy, Guardian of Thaddeus S. Harvy and Elizabeth Caroline Harvy, minor heirs of Benjamin Harvy deceased, to remove the personal property of said minors to the State of Mississippi. *Provided, however,* That it shall be the duty of said Thomas S. Harvy, Guardian as aforesaid, to make full and complete returns of all the property that hath or may come to his hands as such Guardian, to the Orphan's Court of the county of Henry before the removal of said estate, or any part thereof: *Provided further,* that the securities given by the said Thomas S. Harvy Guardian &c: in the county of Henry, shall be bound for his faithful performance, until he provides the necessary evidence to the Orphan's Court of said county, of his appointment as Guardian of said minors in some county in the State of Mississippi.

Approved, November 29, 1834.

No. 3.]

AN ACT

For the relief of Thomas G. Tyus, late assessor and tax collector of Limestone county.

WHEREAS, it appears by the Comptroller's certificate, that Tho-

mas G. Tyus, late assessor and collector of taxes of Limestone county, for the year 1833, has paid into the Treasury of the state, thirty-seven dollars seventy-three cents more than was really due from him as such assessor and tax collector. Therefore,

Comptroller
to issue war-
rant.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized to issue his warrant on the Treasurer of the State for thirty-seven dollars seventy-three cents into the Treasury in favor of Thomas G. Tyus, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, December 5, 1834.

[No. 4.]

AN ACT

To authorize the sale of town lots in Abbeville in Henry county, and for other purposes.

Commission-
ers to sell lots
and give titles

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the commissioners appointed in the act approved 21st December 1832, be, and they are hereby authorized to sell and convey titles to any part or all of said lots, from time to time, as said commissioners or a majority of them may think proper: *Provided*, They shall give at least sixty days notice of the day of such sale at four of the most public places in said county.

Commission-
ers.

Sec. 2. *And be it further enacted*, That the name of John Sowell was intended as one of the Commissioners in lieu of John Lowel, as appears in the above recited act, and George W. Williams and Hamilton F. Dease be, and they are hereby appointed commissioners in lieu of Joel Dease and John Chambers resigned.

Repeal.

Sec. 3. *And be it further enacted*, That all official acts of the above recited commissioners, be, and they are hereby legalized.

Approved, December 6, 1834.

[No. 5.]

AN ACT

For the relief of Eliza W. Logan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Eliza W. Logan of Lauderdale county, to take, receive, and hold by purchase, gift, or inheritance, any property, either real or personal, free from the hindrance, molestation, or authority of her husband, Fleming Logan, and the same to dispose of by will, gift, or sale, in the same manner as if she was a *feme sole*.

Approved, December 6, 1834.

[No. 6.]

AN ACT

To repeal an act entitled an act to authorize and require the encampment of the thirty third Regiment of the militia of this State in the county of Madison.

Section 1. *Be it enacted by the Senate and House of Re-*

representatives of the State of Alabama in General Assembly convened, That the above recited act, which was passed and approved on the eleventh day of January, 1834, be, and the same is hereby repealed, and the said regiment of officers and privates are only required to perform such duties as the other regiments of militia in this State.

Approved, December 6, 1834.

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AN ACT

[No. 7]

To provide for the payment of Tales Jurors in the county of Butler;

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall and may be lawful for tales jurors of Butler county, to demand and receive as compensation for their services, the sum of one dollar per day for each days attendance, which shall be paid out of the funds heretofore provided for by an act passed 15th day of December 1832, entitled an act more effectually to secure the compensation allowed by law to the jurors of Butler county. Tales Jurors,
how paid.

Sec. 2. *And be it further enacted*, That on the certificate of the Clerk, of his having served as such, in which shall be stated the number of days, which tales Jurors attended, and the sum to which he is entitled, which certificate the Clerk is hereby required to issue accordingly, and the treasurer of said county shall discharge all such tales jurors certificates, issued the same as those of the original pannel. Certificate of
Clerk.

Approved, December 9, 1834.

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AN ACT

[No. 8]

For the relief of Eliza Thompson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall and may be lawful for Eliza Thompson of Henry county, to take, receive, and hold by purchase, gift or otherwise, any property, either real or personal, free from the hindrance, molestation, or authority of her husband, Joseph D. Thompson; and the same to dispose of at her pleasure, by will, gift, or sale, in the same manner as if she was a *feme sole*.

Approved, December 9, 1834.

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AN ACT

[No. 9]

For the relief of James Harder.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Harder of the State of Tennessee be, and he is hereby authorized to relinquish to the Commissioners of the sixteenth section, in township one, of Range eight, west of the basis Meridian of Huntsville, lots numbered sixteen, eighteen, nineteen, and fifty-one in the plan of the town of Lexing-

ton in said township and section, upon his paying all interest that may be due, and abandoning all claim to the money heretofore paid on said lots, and that the commissioners aforesaid be authorized to surrender up to the said James Harder the bonds they now hold for the balance of the purchase money of said lots.

Approved, December 9. 1834.

[No. 10.]

AN ACT

To authorize and require the Sheriff of certain counties therein named to assess and collect the Taxes of said counties.

Abolishing the office of Tax Collector of certain counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That after the expiration of the term for which the assessor and tax collector of Marion county, was elected, in the year 1834, the Sheriff of said county shall assess and collect the State and county taxes of the same; and shall give the bond and be subject to the liabilities, that the assessor and tax collector of said county is now required to give, and is now subject to, and shall receive the same compensation for his services.

Sec. 2. *And be it further enacted,* That hereafter, no election shall be held in said county of Marion, for an assessor and tax collector of said county. *Provided,* also, that the provisions of this act shall be extended to the county of Baldwin.

Sec. 3. *And be it further enacted,* That all the provisions of this act be, and the same are hereby extended to the county of Randolph.

Approved, December 9, 1834.

No. 11.]

AN ACT

To incorporate the subscribers to the Alabama, Florida, and Georgia Rail Road Company.

Capital stock

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be established a Company, with a capital of one million five hundred thousand dollars, with the privilege to increase the same to two millions five hundred thousand dollars, divided into shares of one hundred dollars, for the purpose of constructing a rail, McAdamized or other artificial road, from or near the town of Columbus in the State of Georgia, to the line between Alabama and the Territory of Florida, in the most eligible direction to the city of Pensacola in said Territory of Florida.

Commissioners to open books.

Sec. 2. *And be it further enacted,* That books of subscription to the capital stock of said company, shall be opened under the superintendence of the following named Commissioners, viz: John A. Cameron, Robert Mitchell, Samuel W. Oliver, Starke Hunter, George Stonum, Seaborn Jones, John Forsyth, Jr. William H. Chase, Walter Gregory, Hanson Kelly, John Innerarity, Henry Hyer, Thomas M. Blount, George W. Barkley, Charles Le Barron, John H. Parker, Walker Anderson,

Daniel McDougal, James C. Watson, William McMahan, Jefferson Buford, Eli Townsend, Wilson Ashley, Robert Joyner, Charles C. Keyser, Bird C. Willis, Jasper Strong, James Catlin, Jackson Morton, John Hunt and Joseph Forsyth, or a majority of them, at such place or places and at such time as a majority of them shall direct, and the said books shall continue open until the whole amount of said stock is subscribed for.

Sec. 3. *And be it further enacted*, That the subscription for said stock shall be paid as follows, viz; twenty-five cents on each share at the time of subscribing, and the remainder at such times as the directors shall appoint: *Provided*, That not more than ten per cent, shall be called in at any one time: and *Provided*, also, that thirty days notice shall be given for the payment of each instalment.

Stock, how paid-

Sec. 4. *And be it further enacted*, That the said Commissioners, or a majority of them shall, after the said stock has been subscribed for, give public notice for the election of eight Directors, who shall be stockholders, at such place and time as they or a majority of them shall direct; and the stockholders shall meet at the place so designated at the time appointed, and proceed to the election of the said directors to serve for one year, or until their successors are elected; the directors, so elected, shall, within five days thereafter, meet and take an oath or affirmation before a Justice of the Peace, that they will well and truly discharge the duties of their office; the said directors shall then immediately proceed to elect a President from their own body, and shall have power to fill all vacancies occasioned either by death, resignation, or otherwise, until the next annual election. Five directors shall form a quorum; the directors, or a majority of them, shall have power to determine where the meetings shall be permanently held, and the place so designated shall be the place for the transaction of the business of the company, and where all its records shall be kept.

Election of directors.

Oath of.

Sec. 5. *And be it further enacted*, That the subscribers to the said stock, their successors and assigns, shall be, and are hereby created a corporation, by the name and style of the Alabama, Florida, and Georgia Rail Road Company; and by such corporate name shall be capable, in law, to buy, purchase, hold and convey, both real and personal estate, as far as the same may be necessary for the purpose of effecting the objects of the corporation, hereby created; to contract and be contracted with; to sue and be sued; to plead and be impleaded; to have and use a common seal, and the same to alter and renew when they may deem it necessary or expedient; and to do and perform all other lawful acts and things, incident and pertinent to a corporate body, which may be necessary and proper for the convenient transaction of its affairs; to make its own bye-laws, which said laws shall be valid in all cases: *Provided*, they shall

Incorporation and powers.

Bye laws.

Officers and agents.

Votes.

Call meeting

Route of Road

not be inconsistent with the constitution and laws of the United States, or of this State; and the said company shall, at such time and place as they may in the bye-laws prescribe, hold annually, an election for eight Directors, who shall annually immediately after their election, elect a President from their own body. The President and Directors, when elected, shall have power to appoint such officers and subordinate agents as they may deem necessary; and shall be capable of exercising such powers and authority for the well government and good order of the affairs of the company, as to them shall appear conducive to its interests. *Provided*, that nothing in this act shall be so construed as to authorize the corporation hereby created to exercise Banking privileges in any manner whatsoever.

Sec. 6. *And be it further enacted*, That for the purpose of electing directors, and for all other purposes, where the votes of stockholders are required, each share shall count one vote, and stockholders, not resident at the place where the elections or meetings shall be held, may vote by proxy. Any number of stockholders, holding two, thousand shares or upwards, shall have power to call a general meeting of the stockholders, by giving thirty days notice in the papers published at Pensacola, and such other places as they shall deem proper.

Sec. 7. *And be it further enacted*, That the company, by this act created, shall have full and exclusive power to construct and use a rail, McAdamized or other artificial road, commencing on the Alabama line north of the city of Pensacola, passing over the most eligible and direct route through the counties of Conecuh, Covington, Dale, Henry, Butler, Pike, Russell, and Barbour, to the Chattahoochie River, opposite or near the town of Columbus, in the State of Georgia, with such branches or lateral roads as the said company may deem necessary, on the east side of the said road, and also to own vessels and coaches for the transportation of passengers, goods, wares, merchandize packages, produce, and all other things and articles whatsoever, and they shall have the right for all tolls on the whole lines of said road and branches: *Provided*, that whenever the said company, in the construction of the said roads authorized by this act, shall find it necessary to cross or intersect any established street or other way, they shall provide such fixtures as will afford a free passage for transportation of persons or property along the said road, street or other way, and where it shall be necessary to pass the said road or its branches through the lands of any individual, it shall be the duty of the said company to provide for such individuals, proper fixtures for crossing said road or its branches, at the expense of said company: and *Provided*, also, that nothing in this act shall be so construed as to prevent any future Legislature of this State from exercising

the right to incorporate a company to construct a rail road from any point on the Alabama or Tensaw rivers, to intersect said rail Road. *Provided*, that nothing in this act shall be so construed as to compel the said company to carry the said Road through all the counties herein mentioned, but they are hereby authorized to select such route as may be deemed most eligible through any or all of the said counties, as said company may think advisable.

Sec. 8. *And be it further enacted*, That it shall and may be lawful for the President and Directors of the said company, or their properly constituted agent, to take from any land, most convenient to said road or its branches, at all times, such timber, stone or other materials as may be necessary for the construction of, and keeping in repair, the said road or its branches: *May take land and materials.* *Provided*, that nothing belonging to private individuals shall be taken without adequate compensation, to be determined in the manner hereinafter provided.

Sec. 9. *And be it further enacted*, That whenever it shall become necessary for the said company to take possession of, and use any land, timber, stone, or other materials owned by private individuals, for the route or scite of said road or its branches, or for the construction and keeping in repair the said road or its branches, or any part thereof; and if the parties do not agree on the value of the same, it shall and may be lawful for the President and Directors of said Company, or their properly authorized agent or agents, on giving ten days notice at least, in writing, to the party owning the same, or to his, her or their agent, to apply to the Judge of the circuit or county court for a writ of *ad quod damnum*, directed to the Sheriff to summon five disinterested free-holders of lawful age; to meet and value the said property on oath, to be administered by the Sheriff summoning the same, whose duty it shall be to attend in person the said inquest, and receive their report, and also to receive from the said president and directors or their agents, the sum or sums of money awarded by the persons summoned as aforesaid, and pay over the same to the person or persons entitled to receive it, or to his, her or their agents, or attorneys; and when the amount of the said award shall have been paid, it shall be lawful for the said company to take possession of and use such land, timber, stone, and other materials, but all expense and costs incurred by the writ *ad quod damnum*, shall be paid by the President and directors of the said company; *How'damages paid.* *Provided*, that the appraisers shall not be allowed more than two dollars per day, each, while engaged in such duties.

Sec. 10. *And be it further enacted*, That all property so assessed and paid for by the president and directors or their agents, agreeably to the provisions of this act, and all donations made to and for the same, shall forever afterwards belong to,

and become the property of, the said company, their heirs, successors and assigns in fee simple, in proportion to the shares owned respectively.

May condemn all land contiguous to road.
Liabie for damages.
How assessed

Sec. 11. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company, and their superintendents, engineers, artists, workmen, laborers, with carts, waggons, or other carriages, with their beasts of draught and burden, and all necessary tools or implements, to enter upon the lands contiguous or near to the tract of the intended road and its branches, first giving notice of their intention thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damage that may be sustained by the owners of such grounds by appraisement in the manner hereinafter directed, and upon a reasonable agreement with the owners; if they can agree, or if they cannot agree, then upon an appraisement to be made by three indifferent persons, or a majority of them, to be appointed by any Justice of the Peace for the district in which such lands shall be situated, and on tender of the appraised value, to carry away any timber, wood, shells, sand or earth there situated, most convenient for making the said road or its branches.

Tolls.
May distrain for toll.
How sold.

Sec. 12. *And be it further enacted*, That the president and directors of the said company, shall have a right to demand and receive such tolls and fees for the transportation of goods, produce, passengers, and every other article or thing on said road or its branches, as may be established from time to time, by the bye-laws of said company: *Provided*, that the tolls or fees shall not be increased at any time by the president and directors of the said company, without public notice being given, and the said company shall continue to receive such tolls and fees as from time to time shall be established by its bye-laws, as long as the road or its branches shall be kept in sufficient order and repair by the company, their heirs, successors and assigns, for the transportation aforesaid; and all produce, goods, wares, merchandize, and other articles and things, shall be liable for tolls and fees with which they may be respectively chargeable, and may be detained until the owner or owners of the same, or persons having charge thereof, shall pay the toll so fixed as aforesaid, or may distrain any part of such goods, wares, merchandize, and other articles and things, sufficient by the appraisement of two credible witnesses, to satisfy the same; which distress shall be kept by the collector of tolls, taking the same for the space of eight days, and shall afterwards be sold by public auction, at the most public place in the neighborhood, to the highest bidder, in the same form as goods seized for rent and sold by law, rendering the surplus on demand, if any there be, after payment of the said toll and cost of distress and sale, to the owner or owners thereof: *Provided*, that the nett pro-

fits of said company shall never exceed twenty per cent in any one year upon the amount of capital invested in the said road.

Sec. 13. *And be it further enacted*, That if any person or persons shall wilfully, by any means, injure, impair, or destroy any part of said road or its branches, constructed by or under this act, or any of the necessary works, buildings, machines, wagons, vehicles or carriages, such persons shall be liable to be indicted, and on conviction, shall be fined and imprisoned at the discretion of the court and jury, and moreover liable to an action for damages, at the suit of said company, in any court having cognizance thereof.

Persons injuring, liability of.

Sec. 14. *And be it further enacted*, That any stockholder owning ten shares in the capital of said company, and being a citizen of the United States, shall be capable of serving as a director. No director shall be entitled to any emolument, but the directors may make such compensation to the President for his extraordinary attendance to the affairs of the said company, as to them shall seem reasonable.

Who may be Directors.

President compensation of.

Sec. 15. *And be it further enacted*, That the stock of the said corporation shall be assignable and transferable according to such rules as shall be prescribed in that behalf, by the bye-laws, regulations and ordinances of the same.

Stock transferable.

Sec. 16. *And be it further enacted*, That yearly dividends shall be made of so much of the profits of said company, as shall appear to the directors advisable; and once in every year the directors shall lay before the stockholders at a general meeting, for their information, an exact and particular statement of the affairs of the said corporation, and of the surplus profits, if any, after deducting losses and dividends.

Dividends.

Sec. 17. *And be it further enacted*, That if any stockholder shall fail or neglect to pay any instalment required to be paid, for the period of ten days next after the same shall be due and payable, the stock on which it is demanded, shall be forfeited to the company, and a new subscription shall be opened to make up such deficient shares, and further that no transfer of the stock of said corporation shall be valid or effectual, until such transfer shall be entered or registered in a book or books to be kept for that purpose by the corporation, which books of transfer shall be kept at such places as the directors shall appoint.

Stock, how forfeited.

Sec. 18. *And be it further enacted*, That the president and directors of said company shall keep a book, in which all proceedings of the board shall be entered and recorded, as well as the number of votes, including the yeas and nays on every question, (where the same shall be demanded by a member of the board,) with the names of the voters. Any three or more of the stockholders, may, within one month preceding any election, examine the book at a convenient time, on application

Book of Proceedings to be kept.

made by them for that purpose, to the president of said company.

Sec. 19. *And be it further enacted*, That the said company shall commence said work within two years, and complete the same within ten years, and at the expiration of fifty years from the passage of this act, and every ten years thereafter, the State of Alabama, shall have the right of taking the whole of said stock as the property of the State of Alabama, upon paying in cash the par value of the stock of said company. *Provided*, That the State of Alabama reserves to itself or to such company as may at any time hereafter be incorporated, the right to construct a rail or other branches from the one contemplated by this act, to any point on the Alabama or Chattahoochie river or elsewhere, free of toll charge or expense.

Approved, December 12, 1834.

[No. 12.]

AN ACT

To reduce the number of Jurors in the counties of Fayette and Coosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall not be lawful to draw and summons more than twenty-four Jurors for the Circuit Court of Fayette and Coosa counties, any law heretofore be, and the same are hereby repealed.

Approved, December 13, 1834.

[No. 13.]

AN ACT

To appoint Commissioners to superintend the building a Jail and repairing the Court House in the town of Columbiana, Shelby county, and to authorize the Judge and Commissioners of Revenue and Roads of said county, to levy a special tax for that purpose.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John H. Brown, Samuel Brazher, John W. Roper, Green B. Sale, James McAdams Sen., David Owen and Charles Mundine Jr., be, and they are hereby appointed commissioners, who, or a majority of whom, shall have power to contract for, direct, and superintend the building of a jail, and repairing the present court house in the town of Columbiana, Shelby county, the Jail to be of such description and dimensions as they may, with the approbation of the Judge and Commissioners of Revenue and Roads for said county, agree upon.

Sec. 2. *And be it further enacted*, That in case of the death, resignation, or refusal to act of either of the said Commissioners, it shall be the duty of the Judge of said County Court, forthwith, to fill such vacancy by appointment, that the commissioners acting under this act, before entering on the duties herein specified, shall take and subscribe an oath before the Judge or some Justice of the Peace, and file the same in the county court Clerk's office of said county, that they will faithfully and impartially, and to the best of their abilities, perform

Road, when to
be commen-
ced and finish-
ed.

Commission-
ers.

Vacancy how
filled.

the duties of commissioners for Shelby county, under the act for building a jail and repairing the Court House therefor, without being influenced by fear, favor, or affection, to the best interest of said county, according to their skill and judgment, and also give bond with approved security, payable to the Judge of said County court and his successors in office, in the sum of one thousand dollars; conditioned, that they will faithfully perform the duties of their appointment, and the said Commissioners shall, each, receive one dollar per day during the time they may be engaged in performing the duties required by this act, to be paid out of the money collected under the same. Compensation.

Sec. 3. *And be it further enacted*, That the said commissioners shall take, of the undertaker or undertakers, bond with approved security, payable to them as Commissioners of Shelby county, in double the sum for which the building of said Jail and the repairing of the said Court House, may be undertaken, conditioned, for the faithful performance of the work undertaken, according to the plan devised by the Commissioners, and in due time. Bond.

Sec. 4. *And be it further enacted*, That the Judge of said County court and Commissioners of Revenue and Roads for said county, be, and they are hereby authorized and empowered and it shall be their special duty, to levy a special tax on the persons and property of the citizens of said county, subject to taxation, sufficient to defray all the expenses that may be incurred under this act, which said tax shall be levied by said court, one third part annually, at the first court holden in each year after the first day of January next. Tax.

Sec. 5. *And be it further enacted*, That the tax authorized to be levied by the fourth section of this act, shall be assessed and collected at the same time and in the same manner; by the assessor and tax collector of said county, that the State and other county taxes may be assessed and collected, and it shall be the duty of said assessor and collector, to pay the same over to the said commissioners annually, at the time he may be required to pay to the county treasurer the other county tax, and that he be allowed as compensation therefor, five per cent on the amount collected annually. Where and how collected

Sec. 6. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Approved, December 17, 1834. Repeal.

[No. 14.]

AN ACT

To repeal an act entitled an act permanently to locate the seat of Justice in Franklin county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act, permanently to locate the seat of Justice in Franklin county, and for other purposes,

approved January 16, 1834, be, and the same is hereby repealed.
Approved, December 17, 1834.

[No. 15.]

AN ACT

To compensate Jurors in the County of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That each Grand Juror, and each Juror of the original pannel, both in the Circuit and County courts of the county of Pickens, shall be entitled to the same compensation to which witnesses in civil causes attending the circuit court of said county, are now by law entitled, which shall be paid out of any monies in the county treasury, on the certificate of the clerks of the respective courts, of his having served as such, in which shall be stated the number of days, which such person attended as Juror, and the sum to which he is entitled, which certificate the Clerk of said court is hereby required to issue, accordingly, and in case there should not be funds in the county treasury, for the payment of such demands, the certificate of such Juror shall be receivable by the collector of taxes for county purposes in said county.

Payment of
Jurors.

Clerks certi-
ficate.

Receivable for
taxes.

Payment of
Tales Jurors.

Repeal.

Sec. 2. *And be it further enacted,* That every tales juror, who shall serve as such one full day, either in the circuit or county court, shall be entitled to the same compensation as though he had been of the original pannel.

Sec. 3. *And be it further enacted,* That the compensation provided by this act, be in lieu of all compensation now provided by law for Jurors in the county aforesaid. and that all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, December 17, 1834.

[No. 16]

AN ACT

To divorce Cynthia Miles from her husband Aquilla Miles.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the Circuit court, of the county of Butler, exercising chancery jurisdiction, that the bonds of matrimony heretofore solemnized and subsisting, between Cinthia Miles and Aquilla Miles, be dissolved, and that the said Cinthia Miles be henceforth divorced from the said Aquilla Miles.

Approved, December 17, 1834.

No. 17.]

AN ACT

To divorce Robert M. Richards from his wife Elizabeth H. Richards.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the Circuit court of the County of Madison, exercising chancery jurisdiction, that the bonds of matrimony heretofore solemnized and subsisting between Robert M. Richards and Elizabeth H. Rich

ards, be dissolved, and that the said Robert M. Richards be hence forth divorced from the said Elizabeth H. Richards.

Approved, December 17, 1834.

[No. 18]

AN ACT

To repeal in part and amend in part an act entitled an act to provide a fund for compensating the Grand and Petit Jurors of the county of Marion, approved on the sixteenth of January 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be summoned to attend the Circuit court of Marion county, at the several terms thereof, twenty-four jurors and no more, to be drawn and summoned in all respects as is now provided for by law, and no juror shall, after the passage of this act, be drawn and summoned for the county court of said county. Twenty-four Jurors to be drawn.

Sec. 2. *And be it further enacted,* That the second section of the act referred to in the title of this act, be, and the same Repeal. is hereby repealed.

Sec. 3. *And be it further enacted,* That whenever, hereafter, it shall become necessary to have a jury in any cause depending in the county court of Marion county, it shall be the duty of the Sheriff to summon, from the by-standers, a sufficient number for that purpose: each of whom shall be entitled to receive the sum of twenty-five cents for every verdict they may find, to be paid by the successful party on the delivery of the verdict, and before it shall be entered of record, and to be taxed in the bill of costs against the unsuccessful party. Tales Jurors.

Approved, December 18, 1834.

[No. 19.]

AN ACT

To provide for drawing Jurors to serve in the Circuit courts of Dallas county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, there shall be drawn in the same mode as now prescribed by law, previous to the session of every Circuit Court in Dallas county, sixty Jurors to attend the first week of the term, to serve as grand and petit jurors; and to be summoned as now required by law. Sixty Jurors to be drawn for one week.

Sec. 2. *And be it further enacted,* That there shall be drawn at the same time and in the same way, forty Jurors to attend the second week of each and every Circuit court of Dallas county, to be summoned as required by law, and to serve as petit jurors. Forty for 2d week.

Sec. 3. *And be it further enacted,* That no tales juror shall be summoned to set on any Jury during the terms of said circuit court, until the original pannels are exhausted, and that the talesmen summoned in that event, be paid fifty cents by the successful party or his attorney, in every cause upon which he may sit, immediately upon the return of a verdict. Tales Jurors pay.

Court may
discharge Ju-
rors.

Sec. 4. *And be it further enacted*, That the court may, at its discretion, discharge the jurors in attendance each week, after retaining two full pannels of petit jurors, and as many supernumeraries as the court may think necessary.

Repealing
clause.

Sec. 5. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed. Approved, December 18, 1834.

[No 20.]

AN ACT

To amend an act passed on the 16th December, 1823, to revive and continue in force an act to incorporate the town of Selma in the county of Dallas.

Election.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the next election for the officers of said town shall be held in Selma on the first Monday in January next, under the superintendence and management of G. Shearer, J. B. Jones, H. Ferguson. J. Douglas, J. Simpson, and P. J. Weaver, or any three of them, under the same rules, regulations, and restrictions as are prescribed, by the before recited act.

Election No-
tice.

Managers.

Sec. 2. *And be it further enacted*, That an election for the officers of said town, shall thereafter be held on the first Monday in January, in each and every year, or on any day in said month, the persons hereinafter mentioned giving five days previous, public notice thereof, which said election shall be held under the superintendence and management of the officers of said town, or such person or persons as they may appoint, or if there be no officers of said town, under the superintendence and management of the persons named in the first section of this act, or any three of them.

Repeal.

Sec. 3. *And be it further enacted*; That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Approved, December 18, 1834.

[No. 21]

AN ACT

To authorize certain officers therein named, to keep their offices at Columbia, in the county of Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Richard McGriff, Sheriff of the county of Henry, and Moses K. Speight, Clerk of the Circuit and county courts of said county of Henry, be, and they are hereby authorized to keep their respective offices at Columbia until the term of service for which they are respectively elected shall expire by law, any law to the contrary notwithstanding.

Approved, December 18, 1834.

[No. 22.]

AN ACT

Authorizing the Militia Officers of Barbour county to establish two company Beats with a less number than forty Privates.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That it shall be the duty of the militia officers of Barbour county, from and after the passage of this act, to establish two company beats with a less number than forty privates, to-wit: one in the neighborhood of Noah Cole and William Hall, and one in the neighborhood of James Boyet and Linson F. Keener.

Approved, December 18, 1834.

[No. 23.]

AN ACT

Further to amend an act to incorporate the Indian Creek Navigation Company, passed December 21st, 1820.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Indian Creek Navigation Company shall have power, and they are hereby authorized to enlarge the canal which they have already constructed, and to continue the same from Huntsville to the Tennessee river, upon such route as they may select, and that they be authorised to terminate the same in a point betwixt that place and Leeman's ferry, or to connect the same with the river by means of locks, inclined planes, or otherwise, as they may think proper: *Provided*, that they shall not be permitted to dam up or raise the waters in Bird's Big Spring, without the consent of the owner thereof, and shall moreover be liable for any damages that may arise from diverting a portion of the waters of Indian creek from its natural channel, in the event that any such damages should arise.

May enlarge Canal.

Locks &c.

Liable for damages.

Sec. 2. *And be it further enacted*, That said Company shall be authorized to acquire by purchase, and in the event the consent of the owner or owners cannot be obtained, then they shall have the authority to condemn, in the manner pointed out and provided for by the act incorporating the Madison Turnpike Compan, any lands which may be necessary for the construction and location of said canal, and its appurtenances, for deposits or warehouses, and for the useful application of the surplus waters of said Canal.

Lands, how acquired.

Sec. 3. *And be it further enacted*, That to effect the aforesaid objects, it shall be lawful for said company to increase their capital stock to any amount not exceeding \$200,000, and that for this purpose they shall be authorized to negotiate a loan or loans, or to open books at such times and places as they may think proper, for the subscription of stock.

May increase Capital Stock

Sec. 4. *And be it further enacted*, That the tolls upon boats and produce passing upon the canal betwixt Huntsville and the river, shall not be greater than was authorized upon the creek.

Toll.

Sec. 5. *And be it further enacted*, That the style and title of the said company shall be changed and that from and after the date of the passage of this act, it shall be known by the appellation of the "Huntsville Canal Company."

Name.

Seb. 6. *And be it further enacted*, That all acts and parts

Repeal.

of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved, December 19, 1834.

[No. 24]

AN ACT

To repeal the act entitled an act providing additional compensation to the Judge of the County court of Baldwin county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act entitled an act providing additional compensation for the Judge of the County Court of the county of Baldwin, approved January 17, 1834, be, and the same is hereby repealed.

Approved, December 19, 1834.

[No. 25]

AN ACT

To authorize John C. Keziah to make a Turnpike road in Benton county.

Where to commence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John C. Keziah be, and he is hereby authorized to turnpike a road, twenty feet wide, commencing at a branch, where Ussey's trail leaves the road, (commonly called the Chocko-locko road, running towards the Georgia line,) in Benton county, from thence in due course, passing by what is called Robinson & Thompson's place, in a direct course to the Georgia road, in Carrol county, then and there to end at the said State line, where it intersects the main road, now leading through the Cherokee nation, due regard being always had to the goodness of the ground, and accommodation of travellers.

End

Gate to be erected, what toll.

Sec. 2. *And be it further enacted*, That when the said John C. Keziah shall obtain the certificate of two or more Justices of the Peace of said county, that the said road is completed, and in full and good repair, it shall then be lawful for the said John C. Keziah to erect a turnpike gate thereon, at such point as he may deem most convenient, and shall receive such toll only as the Commissioners of Roads and Revenue of said county shall direct, who are hereby authorized to establish the rates.

When no toll to be received

Sec. 3. *And be it further enacted*, That at any time the said John C. Keziah shall let the said road get out of repair, then and in that case no toll shall be paid until the said road is again put in complete repair, but the said gate shall be thrown open.

To endure for 15 years.

Sec. 4. *And be it further enacted*, That the privileges granted by this act, shall be and remain in force for the term of fifteen years: *Provided*, always; that if the said road shall be out of order at any time for more than six months, then the said act shall be inoperative, and the privileges therein granted be withdrawn.

Approved, December 30, 1834.

[No. 26.]

AN ACT

To compensate Jurors and Witnesses in the county of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Jurors who may or shall be hereafter summoned to attend the circuit courts of said county, shall, for each day such juror or jurors and witnesses may attend in obedience to such summons, be entitled to receive two dollars, to be certified by the clerk of said court, and paid by the treasurer of said county, in the same manner as is now directed by law.

Compensation.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same is hereby repealed. Approved, December 30, 1834.

[No. 27.]

AN ACT

To incorporate the trustees of the Sim's Settlement Library Company in the county of Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Jacob P. Epparson, Thomas R. Garrison, James Gregsby, Samuel M. Clay, James W. Allen, and Jordan Y. Cummins, and their associates, and all such persons as may hereafter become members of said corporation, are hereby constituted a body corporate, by the name of the Trustees of the Sim's Settlement Library Company, and shall be capable in law to have, purchase, and receive, possess and enjoy any estate, real or personal, to any amount not exceeding, in the whole, five thousand dollars, and the same to sell, grant, demise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any action or suit, matter or thing, in any court of law or equity, and also to make, ordain, and put in execution, such bye-laws, ordinances and regulations, as said trustees and their successors in office shall deem necessary for the management of the affairs of said company, not being contrary to the constitution thereof, of this State or of the United States.

Incorporation

May hold property,

Sec. 2. *And be it further enacted,* That there shall be five trustees annually elected at such place as shall be directed by the bye-laws of said corporation, on the first Monday in May in each and every year, by the stockholders of said corporation, each stockholder having a vote for each share he may own, and then and there representing, not less than one half of the whole stock: *Provided,* that if there be a failure, to make or hold any such election, the trustees elected at the last preceding election, shall be the trustees until successors are elected at some succeeding annual election: and *Provided;* further, that said trustees shall elect one of their number to preside as President of said company, and that any vacancy which may occur in the Board

Five trustees to be elected.

Failure of election, former Trustees to continue in office.

of trustees, shall be filled by a majority of the Trustees for the time being.

Approved, December 30, 1834

No. 28.]

AN ACT

For the relief of D. C. Smith, executor of the last will and testament of William Hobbs deceased.

To receive compensation for slave named Jack.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Ducan C. Smith, executor of the last will and testament of William Hobbs deceased, be, and he is hereby authorized to receive out of the fund appropriated for that purpose, the sum of three hundred dollars, compensation for the negro man slave man named Jack or Freno, belonging to the estate of the said Hobbs, which said slave was condemned and executed by the verdict of a Jury, and sentence of the Judge of the County Court of Wilcox county, convened according to law for the trial of slaves charged with capital offences.

Comptroller to issue warrant.

Sec. 2. *And be it further enacted*, That the comptroller of public accounts be, and he is hereby authorized and required to draw his warrant on the State Treasurer, whose duty it shall be to pay the said sum of three hundred dollars, out of any money in the Treasury belonging to the fund herein before specified, not otherwise appropriated by law.

Approved. December 30, 1834.

[No. 29.]

AN ACT

To repeal an act therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act to authorize the Judge of the County Court of Franklin county, and Commissioners of Roads and Revenue, to designate the boundary and hands for each overseer, approved, January 10th, 1833, be, and the same is hereby repealed.

Approved, December 30, 1834.

[No. 30]

AN ACT

To change the name of, and to legitimate Preston Newberry.

Name-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of Preston Newberry be, and it is hereby changed to the name of Preston Moore.

Made capable in law to inherit.

Sec. 2. *And be it further enacted*, That the said Preston Moore, by that name, be, and he is hereby made capable, in law of inheriting real and personal estate, as heir of John Moore of Lawrence county, in the same manner as if he had been born in lawful wedlock and heir of said John Moore.

Approved, December 30, 1834.

[No. 31]

AN ACT

To authorize James Moore to remove the property of his wards to the State of Mississippi.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Moore, executor of the last will and testament of James Moore deceased, late of Madison county, and Guardian for the minor heirs of said decedant be, and he is hereby authorized and empowered to remove all the personal estate belonging to said heirs, which hath or may come to his hands as Guardian as aforesaid from this State, to the county of Knoxube, State of Mississippi. *Provided,* however, that it shall be the duty of said Guardian to make full and complete returns of the estate of said heirs, that have or may come to his hands as such Guardian, to the said Orphan's Court of the said county of Madison, before he removes any part of said estate: *Provided,* further, That the said Guardian produce to the Orphan's Court of the county of Madison, satisfactory evidence of his regular and legal appointment as such in the county of Knoxube, in the State of Mississippi: and *Provided,* further, that the said Guardian produce satisfactory evidence to the Judge of the Orphan's Court of Madison county, that complete provision has been made for the payment of the just debts of said decedant, before such removal be made.

Guardian to
make return.

To be appointed
Guardian
in the State of
Mississippi.

Sec. 2. *And be it further enacted,* That it shall not, after the removal of said estate, be necessary for said Guardian to make settlement with the Orphan's court of the county of Madison.

Approved, December 30, 1834.

[No. 32.]

AN ACT

To discontinue in part a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that portion of the State road lying east of Bragg's store (in Lowndes county,) and east of Fort Dale, established by an act of the Legislature, approved, January 2, 1833, be, and the same is hereby discontinued, and so much of said law is repealed.

Approved, December 30; 1834,

[No. 33]

AN ACT

To declare Mud Creek a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mud Creek in Jackson county, be, and it is hereby declared a public highway from the mouth of said Creek to William Proctor's mill.

Sec. 2. *And be it further enacted,* That any person or persons who may obstruct the navigation of the said creek, by falling timber therein or otherwise, shall be subject to such fine as persons obstructing other public highways are subject to.

Fine for ob-
structing the
creek.

Approved, December 30, 1834.

[No. 34.]

AN ACT

To change the name of Thomas Nevil.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of Thomas Nevil (adopted son of Charles Clarke of Lauderdale county) be, and the same is hereby changed to that of Thomas Clarke, and that he shall be known in law by the name of Thomas Clarke from the passage of this act.

Approved, December 30, 1834.

[No. 35.]

AN ACT

To amend the act to incorporate the Cahawba Academy, in the county of Dallas, passed January 10, 1831.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, to constitute a quorum for the transaction of business, it shall require a majority of all the trustees of said Academy in office to form said quorum.

Quorum.

Vacancies
how filled.

Sec. 2. *And be it further enacted*, That no appointments shall be made to fill vacancies in said Trusteeship, until the number of trustees in office shall be reduced to seven, after which time the board of Trustees shall always be that number and vacancies filled as directed in the act to which this is an amendment.

Approved, December 30, 1834.

[No. 36.]

AN ACT

To change the name of a certain person therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of Green Mark Hollinger, be, and is hereby changed to that of Green Mark Wood.

Name.

Made capable
in law to in-
herit.

Sec. 2. *And be it further enacted*, That the said person by the name as above changed, shall be, and is hereby made capable in law, of inheritance as heir of Green Wood, of Montgomery county, in the same manner as if he were a legal heir of said Wood.

Approved, December 30, 1834.

No. 37.]

AN ACT

To incorporate the Mobile Steam Cotton Press and Building Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That George E. Holt, William Waller, M. D. Es-lava, Henry Hitchcock, Samuel Stebbins, and their present and future associates, are hereby declared and constituted a body corporate in fact and in name, by the name of the "Mobile Steam Cotton Press and Building Company," for the purpose of compressing cotton and erecting buildings in the city of Mobile.

Act of incor-
poration.

Sec. 2. *And be it further enacted*, That the capital stock of the corporation shall be one hundred thousand dollars, to be divided into shares of one thousand dollars each, until they may find it convenient to extend their capital, which they are hereby

authorized to do, from time to time, to the amount of three hundred thousand dollars; *Provided*; that the said company shall not have power to commence operations until the sum of one hundred thousand dollars shall have been subscribed. Stock amount of, and how increased.

Sec. 3. *And be it further enacted*, That the company hereby incorporated, shall be capable of purchasing, holding and conveying lands, tenements and hereditaments, and personal property, as may be necessary to carry all the objects of said corporation into full force and effect. Capable of holding property.

Sec. 4. *And be it further enacted*, That the said company and their successors, shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered, in all courts and judicatures whatsoever, and whensoever, and also of contracting and being contracted with, relative to the business and purposes, for which this company is created, and the said corporation shall have a common seal, and may alter, destroy and renew the same at pleasure. May sue and be sued.

Sec. 5. *And be it further enacted*, That subscriptions to the capital stock of said company, shall be opened under the direction of the trustees hereinafter named, and it shall be the duty of the Trustees for the time being, to call for, and demand of the stockholders respectively, all such sums of money, by them subscribed at such times and in such proportions as they shall see fit, and each stockholder, shall be liable to the company and to the creditors thereof, for the amount of his subscription, and may be sued therefor. How paid.

Sec. 6. *And be it further enacted*, That the capital stock, property and concerns of said corporation, shall be managed by five trustees (one of whom shall be appointed President by the other trustees,) who shall be chosen annually on the first Tuesday in January, at such place as the trustees for the time being shall direct, unless the time shall be inconvenient, in which case the majority of the stockholders may alter it to such time as shall be convenient after the first election, which shall be on the first Tuesday in February next; and George E. Holt, William Waller, M. D. Eslava, Henry Hitchcock, and Samuel Stebbins shall be the first trustees from the date of this act, until the time of said first election, or until others are chosen; thirty days notice shall be given to the stockholders of an election, by their secretary or agent, in writing, and shall be holden under the inspection of the trustees for the time being, and shall be made by ballot, and the five persons having the highest number of votes, shall be duly elected, allowing absent stockholders to vote by proxy, and each share shall be entitled to one vote. Trustees, how elected.

Sec. 7. *And be it further enacted*, That if it should happen that an election of trustees should not be made on the day mentioned in this act, or on some other day to which the stock-

Failure of
election not to
destroy char-
ter.

holders may have altered the time, the corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day to make and hold an election of trustees in such manner as shall have been regulated by the bye-laws and ordinances of said corporation.

Stock, how
transferable.

Sec. 8. *And be it further enacted*, That the stock of said corporation shall be assignable and transferable according to such rules and regulations as said trustees shall establish, and no stockholder indebted to said company, either for subscriptions of stock or otherwise, shall be permitted to make a transfer or receive a dividend, until such debt be paid to the satisfaction of the trustees.

Book of trans-
fer.

Sec. 9. *And be it further enacted*, That the book in which the registration of said stock and the transfers thereof shall be contained, shall be deposited in the Branch of the Bank of the State of Alabama at Mobile, subject to the inspection of all persons who may desire to examine the same.

Meetings of
stockholders

Sec. 10. *And be it further enacted*, That it shall be the duty of the trustees to call or appoint meetings, and notify the stockholders of the same when required by the stockholders owning, one fourth part of the stock, and no meeting shall be competent to transact business unless persons owning collectively the majority of the stock shall be present in person or by proxy.

Trustees.

Powers and
duties of.

Sec. 11. *And be it further enacted*, That the trustees for the time being or a majority of them, shall form a quorum for the transaction of business, and shall have power to make all such bye-laws, rules and ordinances, as to them shall appear needful and proper, touching the management and disposition of the property, estate and effects of said corporation, and all such matters as appertain to the concerns of the institution, and they shall have power and authority to appoint and employ all such officers and servants as they may think proper, for the transaction of the business and concerns of said corporation, and to displace such officers and servants at pleasure.

Sec. 12. *And be it further enacted*, That the trustees for the time being, shall also have power and authority to appoint an agent, to be approved by a majority of the stockholders or persons owning a major part of the stock, to act in their behalf for said corporation, and all contracts and agreements entered into for and on account of said corporation, and signed by said agent, shall be binding on said corporation, in like manner, as if made and entered into by said trustees.

Sec. 13. *And be it further enacted*, That the trustees shall at all times, keep or cause to be kept proper books of account, in which shall be regularly entered all the transactions of the said corporation, and they shall also keep a regular minute of all proceedings at the meetings of the said trustees and of the stockholders, which books shall be subject at all times to the

inspection of the stockholders; and the trustees on going out of office, shall account to their successors, and pay over all monies of the company in their hands.

Sec. 14. *And be it further enacted*, That the said Trustees shall make semi-annual dividends of so much of the profits of the said company as they may think proper, and cause the same to be paid to the stockholders.

Dividends.

Sec. 15. *And be it further enacted*, That this corporation shall not have the privilege to exercise Banking powers, or to exercise any other powers not herein before granted, or which it would be unlawful for individuals to exercise, under the laws which now are or which may hereafter be in force in this State.

Approved, January 1, 1835.

[No. 38.]

AN ACT

To repeal an act passed January 14, 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, it shall not be lawful for the Commissioners of Roads and Revenue in the county of Fayette, to receive any compensation for services that they may hereafter perform as commissioners of Roads and Revenue in the county of Fayette, any law to the contrary notwithstanding.

Commissioners of Roads and Revenue to receive no pay,

Approved, January 1, 1835.

No. 39]

AN ACT

To authorize the establishment of two Company Beats in the county of Russell, with a less number than forty privates.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that the Militia Officers of Russell county be authorized and required to establish two company beats in said county, with a less number than forty privates, one in the neighborhood of Drury Spane and Mr Covington, and one in the neighborhood of Daniel Price's.

Sec. 2. *And be it further enacted*, That said Beats shall be officered in like manner as other beats are in this State.

Approved, January 1, 1835.

[No. 40]

AN ACT

To repeal in part an act entitled an act making it the duty of the Commissioners of Roads and Revenue of certain counties therein named, to select one quarter section of land for the use of said counties,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the act passed on the 16th day of January 1834, as relates to the county of Chambers, authorizing the Commissioners of Roads and Revenue to select one

quarter section of land for the county scite in said county; be, and the same is hereby repealed.

Approved, January 1, 1835.

[No. 41]

AN ACT

To incorporate the town of Marion.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Marion, in the county of Perry be, and the same is hereby incorporated, and that all that territory lying and being within one half mile of the public square be, and the same is hereby declared to be within the limits of the same.

Managers of Election.

Sec. 2. *And be it further enacted,* That on the first Monday in March next, and in each and every year thereafter, an election by ballot, for five counsellors, resident land holders, shall be held at some convenient and public place in said town, who shall serve for the term of one year after they have been elected. The first election shall be conducted and managed by Jonathan F. Sims, Sidney M. Goode, Henry C. Lea, John Lockhart, and Leonard A. Weisinger, or any two of them, and all subsequent elections shall be held by two of the councillors, to be appointed by the board for that purpose; and the said councillors so elected, shall, on the next day after such election in each and every year, meet and elect by a majority of votes from their own body, an intendant, whose duty it shall be to preside and keep order at all meetings of said councillors, and in his absence or incapacity, any other member may be called to the chair; and the said councillors shall be, and they are hereby constituted, a body corporate, by the name and style of the Intendant and Council of the town of Marion, and by that name, they and their successors in office, shall be capable in law of suing and being sued, pleading and being impleaded, in all manner of suits, either in law or equity; also, to have and to keep a common seal, and the same to break, alter and amend at pleasure, and in general, to do all acts which are incident to bodies corporate; and to purchase, hold, and dispose of for the benefit of said town, real, personal, or mixed property, to the amount of five thousand dollars.

Powers &c.

Ordinances and bye-laws.

Sec. 3. *And be it further enacted,* That the said corporation shall have power to ordain, or pass all such ordinances and resolutions, and make all such regulations, as may by them be deemed necessary for the good order and government of said corporation, which may extend to the preservation of health, to prevent and remove nuisances, to license, tax and restrain theatrical amusements, shows and museums of all kinds whatsoever, within said corporation; to restrain and prohibit every species of gambling, drunkenness, profane swearing, or other obscene or unlawful language, assaults and batteries, and all oth-

er breaches of the peace; appoint night watches and patrols, when necessary; to clean and keep in repair the streets of said Town; to remove and prohibit trespasses on the same; to collect taxes on all property, both real and personal, including poll taxes within said corporation for the purpose of defraying the expenses of same; to grant licenses to the retailers of spirits and liquors; to regulate or restrain them when deemed a nuisance; to grant licenses to and tax merchants and auctioneers; to prevent the introduction of contagious or infectious diseases, within the town; to restrain and prohibit all nightly or disorderly meetings, or assembly of slaves, free negroes or mulattoes, and other knavish and disorderly persons; arrest and sell vagrants for a time not exceeding three months, who have no known place of residence and cannot show how he or they obtain an honest livelihood; to restrain and prevent all free persons from trading with negroes without an order, written or verbal, from his or her owner, or agent or overseer; and in general to pass such bye-laws, not contrary to the constitution of this State and the laws thereof, as the corporation shall from time to time deem expedient and necessary to carry into effect the meaning and intention of this act, and the same to put in execution; to revoke and alter, as the said corporation shall deem expedient; the said corporation shall have power to appoint a treasurer, assessor, collector, and constable, and such other subordinate officers as they may think necessary, and by ordinance require such security from the several officers so appointed, to annex such fees to the several officers, not exceeding fifty dollars, as they shall deem necessary. They are hereby also empowered to levy such fine or fines, not exceeding ten dollars for any breach of their bye-laws as they may deem proper, and all fines by them imposed shall be sued for in the name of the corporation before any justice of the peace, and the money so recovered shall be paid to the treasurer for the benefit of said town: *Provided*, that this act and all the bye-laws and ordinances of the said corporation, shall be at all times subject to revision or repeal by the General Assembly.

Sec. 4. *And be it further enacted*, That when vacancies shall happen in the Board of Councillors by death, resignation or otherwise, such vacancies shall be filled by the Board, and the member or members so added shall continue in office until the succeeding annual election.

Vacancy, how filled.

Sec. 5. *And be it further enacted*, That should the elections not take place on the day fixed for the annual election of councillors, the board shall not, for that cause, be dissolved, but the incumbents shall remain in office until their successors are elected, and it shall be the duty of the Board to fix some other day as early as convenient, within one month thereafter, on which day two of the councillors shall attend and hold an election for councillors.

Elections.

Sec. 6. And be it further enacted, That said Intendant and Council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and publish the same, and all laws and ordinances in some public newspaper, or at three several public places in said town.

Sec. 7. And be it further enacted, That the Intendant and Councillors first appointed, and their successors in office, shall severally, before they enter upon the duties thereof, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favor, affection or partiality; a certificate of which oath shall be filed with the Clerk of the Board of Councillors.

Sec. 8. And be it further enacted, That all white male inhabitants above the age of twenty-one years, who shall have resided within the limits of said town six months immediately preceding an election for councillors, and all land holders, or freeholders, therein, shall be deemed qualified electors at such election.

Sec. 9. And be it further enacted, That each and every person who may be elected a councillor for said town, shall, ex officio, be a justice of the peace within the limits of the same, for the purpose of executing and carrying into effect the by-laws and ordinances of said corporation.

Sec. 10. And be it further enacted, That all persons, residing within the limits of said incorporation, shall be exempt from working on roads without said corporation.

Sec. 11. And be it further enacted, That the Intendant of the town of Marion, shall be and he is hereby authorized and empowered to exercise all the jurisdiction, duties and powers which appertain to and are exercised by justices of the peace in Perry county, and shall be subject to the same penalties and liabilities. And the Constable, authorized to be appointed by this act, shall possess all the powers, and be authorized to discharge all the duties which other constables of said county of Perry are authorized to perform; and such constable and his securities shall be subject to the same penalties and liabilities as attach by law to other constables. And the constable, appointed under the provisions of this act, shall give bond with approved and sufficient security, in such an amount as shall be determined by the Intendant and Council of said corporation, for the faithful performance of his duty, which said bond shall be filed in the office of the clerk of the county court of said county.

Approved, January 2, 1835.

[No 42.]

AN ACT

To extend the jurisdiction of the Mayor of the town of Athens, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the Mayor of the town of Athens be, and he is hereby invested with all the powers, privileges and jurisdiction of justices of the peace for Limestone county.

Sec. 2. *And be it further enacted*, That the town constable of Athens, in said county of Limestone, be, and he is hereby authorized to serve all process and perform all other duties that are incident to the office of constable by the laws of Alabama.

Approved, January 2, 1835.

[No. 43.]

AN ACT

To compensate certain Tax Collectors therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the tax collectors of the counties of Chambers, Benton, Randolph, Russell, Coosa, Tallapoosa, Taladega, Barbour and Macon, shall be allowed the same rates of per cent. as the tax collectors of the counties of Shelby and St. Clair counties, to be paid out of the funds which they may collect.

Approved, January 5, 1835.

[No. 44.]

AN ACT

To repeal the acts granting to John Fowler the right of running a steam ferry boat between the city of Mobile and the town of Blakeley and for other purposes

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act passed December the 20th 1820, and the act passed December 22nd 1822, and an act supplemental thereto, approved January the 15th 1828, and also the act now in force, approved January the 1st 1833, granting to John Fowler the right of running a steam ferry boat, a row boat or sail boat, between the city of Mobile and the town of Blakeley, be, and the same shall be repealed from and after the first day of May 1835 next ensuing.

[Repealing
certain acts.]

Sec. 2. *And be it further enacted*, That the rights and privileges of running a steam ferry boat between the city of Mobile and the town of Blakeley, granted to John Fowler by the above mentioned acts, be, and the same are continued and granted to William Kitchen, and his associates, of the county of Baldwin, in full force and effect until the time limited by the act of the 1st of January 1833, shall expire: *Provided*, that the said William Kitchen shall, on or before the first day of May next ensuing, execute a bond with good and sufficient security, to be approved of by the Judge of the County Court and Commissioners of Revenue and Roads of Mobile county, in the sum of two thousand dollars, that he will well and truly execute and perform the duties and obligations required of the said John Fowler, by the acts referred to in the first section of this act.

Continuing
certain rights

Bond to be
given.

Sec. 3. *And be it further enacted*, That all acts and parts

Repeal.

of acts contrary to the true intent and meaning of this act, be, and the same are hereby repealed.

Approved, January 5, 1835.

[No. 45]

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AN ACT

To authorize the Militia officers of Dale county to establish a Company beat with a less number of privates than forty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Col. and Lieutenant Col. commanding the forty-sixth regiment, are authorized and required to establish a company beat with a less number than forty privates, in the settlement of Levi Dowling's which company shall be officered in like manner as other company beats are in the county of Dale.

Approved, January 5, 1835.

No. 46.]

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AN ACT

To authorize the inhabitants of township one range ten west of the meridian of Huntsville to sell the sixteenth section in said Township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever the inhabitants of township one, range ten west of the meridian of Huntsville, shall determine to sell the sixteenth section in said township, according to the provisions of the existing laws, then and in that case, the commissioners shall have power to divide said section into such lots not less than three, as will enable the said commissioners to sell said sixteenth section to the best advantage for the benefit of the inhabitants of said township, any law to the contrary notwithstanding.

Approved, January 5, 1835-

[No. 47]

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AN ACT

To repeal in part and amend in part the road laws in Walker county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that all citizens of Walker county, liable to work on public roads, shall work on some road, notwithstanding they may live at a greater distance from any road than hands are now compelled to work on roads.

Sec. 2. *And be it further enacted,* That all the hands living in Walker county liable to work on roads, and living at a greater distance from any public road than hands are now compelled to work on roads, shall be apportioned to work on the nearest road to which such hands may live, any law to the contrary notwithstanding.

Approved, January 5, 1835.

To establish a manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That David Scott, Abner Benson, and Jonathan Ware, together with such persons as may hereafter become associated with them, be, and they are hereby made and constituted a body corporate, in fact and in name, under the style and title of the "Tuscaloosa Manufacturing Company," and by that name shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and realize to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatsoever kind, nature or quality, in any amount in the whole five hundred thousand dollars, including the capital stock of said company, and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction, and to make, use and have a common seal, and the same to break, alter and renew at pleasure.

Act of Incorporation.

Sec. 2. *And be it further enacted;* That said body corporate shall have power to prescribe the number of shares into which the capital stock, which by this act said corporation is allowed to invest and employ, shall be divided, the mode in which it shall be taken, paid and transferred, and also to prescribe the mode by which stockholders may vote, and the number of votes to which each shall be entitled: *Provided,* nevertheless, that the rule adopted shall be uniform, equally securing the rights of every stockholder, and also to provide by ballot for the election of such officers as may be deemed necessary for the government and proper management of the affairs of said corporation; and also to obtain, establish and put in execution such bye laws, ordinances and resolutions as they shall deem necessary and expedient for the government of said corporation, not being contrary to the constitution or laws of the State of Alabama or of the United States; and generally to do and execute all and singular the acts, matters and things which to them it shall or may appertain to do, subject nevertheless to such restrictions as may hereafter be imposed by the legislature, not incompatible with the object for which this act of incorporation was granted.

Stock.

Rules and regulations.

Bye-laws.

Sec. 3. *And be it further enacted,* That said corporation shall not exercise banking privileges.

Approved, January 7, 1835.



Making appropriation for the payment of certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the following sums be, and the same are hereby appropriated for the payment of certain persons having claims against the State, to-wit: To Matthew F. Rainey sheriff of Green county, the sum of two hundred and eighty-two dollars and seventeen cents, for Jail fees and provisions furnished and for removing prisoners. To David Fare for coal furnished, the sum of five dollars and seventy-five cents. To James Rather for twelve spit boxes furnished for the use of the capitol, four dollars and fifty cents. To Matthew Rainey, the sum of nine dollars and twenty-five cents for three days attendance and ferriages in making returns of congressional election.

Sec. 2. *And be it further enacted*, That the following sums be allowed for the payment of the expenses incurred for the use of the Senate during the last session of the General Assembly, to-wit: To D. Woodruff for stationary, the sum of one hundred and fifteen dollars and seventy-five cents. To Constantine Perkins, for servant hire and wood furnished, forty-nine dollars. To Henry A. Snow & Co. for candles, thirty-one dollars and thirty-one cents; to A. Pfister & Co. for stationary, twenty-eight dollars; to James S. Bennet for grates and other articles for the use of the State House, the sum of seventy-one dollars and fifty cents; to Sims, Ready & Co. for a 4 coal hods, 1 map of the Creek territory, and 5 1-2 quires paper, the sum of fourteen dollars and fifty cents; to John O. Cummins & Co. for candles, stationary and crape, twenty-five dollars and six cents; to Andrews & Brothers for window curtains, brooms, locks, candles and stationary. eighty-two dollars; to Augustin Lynch for labor in repairing desks and doors in senate chamber, and furnishing materials for various repairs and hire of workmen, forty-one dollaas and eighty-seven cents; to J. & M. Lacy for green flannel six dollars, all of which above mentioned sums to be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 7, 1835.

[No. 50]

AN ACT

To repeal in part and amend an act to provide for the summoning of Jurors in the county court approved, January 10, 1833.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the above recited act, as relates to the counties of Fayette and Walker, be, and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That all tales jurors, which may be summoned to attend said courts, shall receive one dollar per day to be paid out of the county treasury of said counties, on the certificate of the clerks of said courts.

Approved, January 7, 1835.

To incorporate the Centreville Bridge Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a stock company shall be established, for the purpose of building a toll bridge across the Cahawba river, at any point on said river, within one mile of the town of Centreville in the county of Bibb, to be selected by five commissioners to be appointed by said company for the purpose, the capital stock of which company shall not exceed fifteen thousand dollars, divided into shares of one hundred dollars each.

Company established

Stock of.

Sec. 2. *And be it further enacted,* That subscriptions towards constituting said company, shall be opened in the town of Centreville, Bibb county, on the first Monday in March next, under the superintendence of Thomas Crawford, Abner Benson, John Henry, Anthony Stoutenborough, Samuel W. Davidson, and Jacob Mayberry, or a majority of them, and remain open at least two days at each time of opening said books, or until a sum sufficient in their opinion shall be subscribed to build said bridge.

Subscriptions opened under superintendents.

Sec. 3. *And be it further enacted,* That the subscribers to the said company, their successors and assigns, shall be, and are hereby created a body corporate and politic, by the name and style of President and directors of the Centreville Bridge Company, and by that name shall be, and are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing, depending in any court of law or equity, and also to make and use a common seal, and the same to break alter or renew at pleasure, and also to make, ordain, establish, and put in execution such bye-laws and regulations as they may deem necessary for the government of said company, not incompatible with the laws of this State.

Incorporation and powers,

Sec. 4. *And be it further enacted,* That for the management of said Company, the stockholders shall, annually, on the first Monday in January in each and every year, elect five Directors by the qualified stockholders of said company, and by a plurality of votes, giving one vote for every share of one hundred dollars, and the said Directors so chosen shall be capable of serving until the next annual election, or until their successors are qualified; and the board of Directors shall annually elect at the first meeting after their election, one of the Directors to be President of said corporation, who shall hold his office one year, or until his successor shall be elected; *Provided,* that when a vacancy shall occur by resignation or otherwise, the board shall have power to fill said vacancy from any stockholder.

Directors, how elected.

Sec. 5. *And be it further enacted,* That as soon as a sufficient sum is subscribed, notice thereof shall be given in some public

Election. no-
tice of.

newspaper printed in Tuscaloosa, and at the same time a notice shall be given of the time and place of holding the first election, at least ten days previous to the time of said election.

Call meeting.

Sec. 6. *And be it further enacted*, That it shall be lawful for said directors to call a general meeting of the stockholders, at any time they may deem necessary and expedient, and any number of the stockholders owning at least one third of the stock, shall have power at any time to call a general meeting, giving at least ten days notice by advertisement in three or more public places, and stating the object of said meeting.

Bridge vested
of 30 years
toll.

Sec. 7. *And be it further enacted*, That the property of the aforesaid bridge when built, shall be, and the same is hereby vested in the said corporation for the term of thirty years, and they may demand and receive on the completion of said bridge, toll according to the following rates, to-wit: for every four wheel carriage, fifty cents; for every wagon fifty cents, for every two wheel pleasure carriage, twenty-five cents; for every cart twenty-five cents; for every man and horse twelve and a half cents; for each loose horse five cents; for each foot passenger six and a fourth cents, for each head of cattle three cents, for each head of sheep or hogs, two cents.

Liability for
damages.

Sec. 8. *And be it further enacted*, That it shall be the duty of said corporation to keep said bridge in good repair, as long as they may think proper to receive toll; they shall be held bound for all injuries which may be sustained in passing said bridge: *Provided*, said injury result from the negligence of the keeper or from want of repairs to the bridge.

Damages,
how assessed,

Sec. 9. *And be it further enacted*, That it shall be the duty of the commissioners appointed, to select a scite for said bridge, also to select a scite for a road, should it be necessary, leading to and from said bridge, and mark out the same, and apply to the Judge of the County Court and Commissioners of Roads and Revenue, for a jury to assess the damages for the land the road may pass through, and also for the land the said bridge may be located upon, whose duty it shall be to appoint said jury, and as soon as the damages shall be paid by said company, to order the road to be opened under the same rules and restrictions as other public highways, and which road shall be of the first grade until it shall intersect other roads.

Sec. 10. *And be it further enacted*, That the county courts of the county of Bibb, shall be, and they are hereby authorized whenever it may in the opinion of the Judge thereof be deemed necessary, to appoint suitable commissioners to inspect the situation of the bridge, and if a majority of them shall report that the bridge is not in good order and fit for passengers, the court shall have power to suspend the collection of toll until said bridge shall be put in good repair.

Approved, January 7, 1835

To incorporate the Mobile Ice Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Henry Hitchcock, Thomas Mather, William Austin and John F. Pagles, and their associates, be, and they are hereby made and constituted a body politic, by the name of the Mobile Ice Company, and by that name they and their successors and assigns shall be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all civil actions whatever, either in law or in equity as natural persons are or may be. Incorporation

Sec. 2. *And be it further enacted*, That they and their successors or assigns may have a common seal, change and alter the same at their pleasure, purchase, have, hold and enjoy to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels or personal estate, for the purpose of enabling them the better to carry into execution such measures as may tend to promote the interests of the said company: *Provided*, That the value of such real and personal property shall, at no time, exceed ten thousand Dollars, and that they and their successors or assigns shall have full power to sell, grant, lease, or otherwise dispose of such real and personal estate or any part of the same at will and pleasure, and that they or their successors or assigns, shall have full power to make, and establish and enforce such bye-laws, ordinances and regulations as they may judge proper for the election of their officers and for the entire management of the affairs of said company: *Provided*, That the same shall not be contrary to the constitution and laws of the State. Powers of corporation

Sec. 3. *And be it further enacted*, That the capital stock of the said company, to-wit, the sum of ten thousand dollars shall be divided into one hundred shares of one hundred dollars each, and that each share of the same shall entitle the subscriber to one vote at the meetings of the said company, and that each subscriber shall be liable to pay any debt, dues or demands against the said company, from his own individual property in proportion to his amount of stock: and *Provided*, further, that nothing in this act contained, shall be so construed as to confer or authorize the exercise of banking privileges. Stock amount of.

Approved, January 7, 1835.

To authorize the Judge of the County court and Commissioners of Roads and Re venue of the county of Jefferson, to sell a certain tract of land therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Judge of the County Court of Jefferson Bye-laws.

May sell a tract of land bought for erection of poor house.

county; and the Commissioners of Roads and Revenue be, and they, or a majority of them, are hereby authorized, upon giving thirty days notice thereof, by public advertisement, to sell at public auction, in the town of Elyton, a certain tract of land, lying in said county, heretofore purchased for the erection of a poor house.

May purchase a tract of land

Sec. 2. *And be it further enacted*, by the authority aforesaid, that the said Judge and Commissioners be, and they are hereby authorized hereafter to purchase any other tract of land lying in said county, pursuant to an act of the General Assembly, approved the twenty-second day of January, in the year eighteen hundred and twenty-nine, to provide for the support of the paupers in the county of Jefferson.

Repeal.

Sec. 3. *And be it further enacted*, by the authority aforesaid, that so much of the before recited act as in any wise repeals the general provisions of the laws of the State of Alabama for the support of the poor in the county of Jefferson, be, and the same is hereby repealed.

Approved, January 7, 1835.

No. 54.]

AN ACT

To revive alter and amend an act entitled an act to incorporate the town of Demopolis in Marengo county, passed December 15, 1830.

Revival of charter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act to Incorporate the town of Demopolis, in Marengo county, passed December 15th, 1821, be, and the same is hereby revived and declared in full force, except as herein after altered and amended.

Two Wards.

Sec. 2. *And be it further enacted*, That the said town of Demopolis shall be and is hereby divided into two wards, and that Capitol street shall divide said ward.

Councillors, how elected.

Sec. 3. *And be it further enacted*, That on the first Monday in February next, the qualified voters in each of said wards shall elect three Councillors, and a majority of all the Councillors so elected, shall elect an Intendant who need not be of their own body, and all subsequent, annual elections for Councillors of said town shall be holden at the time specified in the act to which this is an amendment.

Sec. 4. *And be it further enacted*, That the first election held by virtue of this act, shall be held by and under the superintendence of any two freeholders or householders of the respective wards, and all subsequent elections shall be held under the superintendence of any two Councillors.

Sec. 5. *And be it further enacted*, That should an election at any time not be held at the time prescribed in the act to which this is an amendment, the same may be held at any other time thereafter, on giving ten days notice by advertisement, posted up in the raspective ward or wards, and if the council

fail to hold any election, the same may be held by any two freeholders or householders.

Sec. 6. *And be it further enacted*, That all councillors or other officers, hereafter elected or appointed for said town, shall continue in office until their successors are elected or appointed and qualified. [Councillors,
how long to
hold office.]

Sec. 7. *And be it further enacted*, That the Intendant of the said town of Demopolis, when elected and qualified, shall possess all the powers and jurisdiction which belong to and are exercised by any justice of the peace in and for Marengo county, and shall be subject to the same laws, rules and liabilities as other justices of the peace, and be entitled to the same fees and emoluments. And the constable, authorized to be elected or appointed by the act to which this is an amendment, shall possess the same powers and exercise and perform the same duties which are performed and exercised by any other constable of Marengo county, and shall be subject to the same laws; rules and liabilities as other constables of said county of Marengo. Powers of In-
tendant.

Approved, January 7, 1835.

[No. 55.]

AN ACT

To authorize the commanding officers of the 25th regiment Alabama Militia to form a company beat, with a less number of privates than forty, in the county of Henry, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Col. Joel T. McClenden and Lieut. Col. Benjamin Kirkland, or either of them, or either of their successors in office, be, and they are hereby authorized and required to organise a company beat of militia with a less number of privates than forty, in the neighborhood of Caven Freeman, in the county of Henry, and the company beat, so formed, shall be officered in like manner, as other company beats in this State.

Sec. 2. *And be it further enacted*, That either one of the above named officers or either of their successors in office, be, and they are hereby authorized and required to organize a company beat in the neighborhood of Levi Heeth's, in the north-western corner of said county, as provided for by an act passed on the 16th December 1833.

Approved, January 7, 1835.

[No. 56]

AN ACT

To change the time of holding the County Courts of Morgan county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first Monday in February next, the county courts of Morgan county shall commence on the first Monday in January and July in each and every year,

instead of the times as now prescribed by law, and the said courts may continue as long as the business may require.

Sec. 2. *And be it further enacted*, That all writs and other process issued and made returnable to said courts as now fixed by law, shall be returnable to the courts as changed by this act, in the same manner as if they had been issued.

Approved, January 7, 1835.

[No. 57]

AN ACT

Relating to the estate of George W. Cummings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Representatives of George W. Cummings deceased be, and they are hereby authorized and allowed to remove the property of said estate, from the county of Conecuh to the county of Macon, and that the clerk of the county court of the county of Conecuh upon the application of the representatives as aforesaid, make out certified copies of all the papers and orders, now recorded or on file in his office, relating to said estate, and deliver the same to the said Representatives.

Property, how moved.

Certificates of orders &c. where filed.

Sec. 2. *And be it further enacted*, That the aforesaid representatives shall file the certified copies of the papers and orders as aforesaid, in the clerk's office of the county court of Macon County, and thereafter be authorised and allowed to make all settlements relating to said estate, with the county court of the county of Macon, instead of the county court of Conecuh county, and such settlements, thus made, shall be to all intents as legal and binding on all parties interested as though the same had been made with the county court of the county of Conecuh. *Provided*, That the representative of the said George W. Cummings shall give bond and security, as now provided by law, in the county court of Macon county, before removing said estate.

Approved, January 7, 1835

[No. 58.]

AN ACT

To incorporate the town of La Fayette in the county of Chambers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the seat of justice, in the county of Chambers, shall hereafter be known and called by the name of La Fayette.

Sec. 2. *And be it further enacted*, That the town of La Fayette in Chambers county, heretofore known as the town of Chambersville, be, and the same is hereby incorporated.

Name changed.

Elections.

Sec. 3. *And be it further enacted*, That on the third Monday in February next, and in each and every year thereafter, an election by ballot for five councillors, resident land or householders, shall be held at some convenient public place in said town, who shall serve for the term of one year after they shall have been elected. The first election shall be conducted and managed by James Livingston, Stephen Daniel, William R. Creighton, and Charles McLemore or any two of them, and

to be appointed by the board for that purpose, and the said council all subsequent elections shall be held by two of the Councillors so elected shall, on the next day after such election in each and every year; meet and elect by a majority of votes from their own body, one Intendant, whose duty it shall be to preside and keep order at all meetings of the said councillors, and in his absence or incapacity, any other member may be called to the chair, and the said councillors shall be; and they are hereby constituted a body corporate, by the name and style of the Intendant and Council of the town of Lafayette, and by that name they and their successors in office shall be capable in law of suing and being sued, pleading and being impleaded, in all manner of suits either in law or equity; also to have and to keep a common seal, and the same to break, alter and amend at pleasure, and in general to do all acts which are incident to corporate bodies; and to purchase, hold and dispose of, for the benefit of said town, real, personal or mixed property to the amount of five thousand dollars.

Sec. 4. *And be it further enacted*, That the said corporation shall have power to ordain or to pass all such ordinances and resolutions, and make all such regulations as may, by them, be deemed necessary for the good order and government of said corporation, which may extend to the preservation of health, to prevent and remove nuisances, appoint boards of health when necessary, to license, tax and restrain theatrical amusements, shows and museums of all kind whatsoever within said corporation, to restrain and prohibit every species of gambling, appoint night watches and patrols when necessary, to clean and keep in repair the streets of said town, to remove and prohibit all trespasses upon the same, to restrain and prohibit all nightly and disorderly meetings, or assemblages of slaves, free negroes or mulattoes, and other knavish and disorderly persons: to restrain and prevent all free persons from trading with slaves without an order, written or verbal, from his or her owner, agent or overseer; and in general to pass such bye-laws, not contrary to the constitution of this State and the laws thereof, as the corporation shall, from time to time, deem expedient and necessary to carry into effect the meaning and intent of this act, and the same to put in execution; to revoke and alter as the corporation shall deem expedient; the said corporation shall have power to appoint a treasurer, assessor, collector and constable, and such other subordinate officers as they may deem necessary, and by ordinance, require such security from the several officers, not exceeding fifty dollars, as they may deem necessary; they are hereby also empowered to levy such fine or fines, not exceeding five dollars, for a breach or breaches of their bye-laws as they may deem proper, and all fines by them imposed shall be sued for in the name of the corporation, before any Justice of the Peace, and the money so recovered shall be paid to the

Power to
make bye
laws &c.

treasurer for the benefit of said town: *Provided*, That this act and all the bye-laws and ordinances of the said corporation, shall at all times be subject to revision or repeal by the General Assembly.

Vacancies, how filled. Sec. 5. *And be it further enacted*, That when vacancies shall happen in the board of councillors by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added, shall continue in office, until the next succeeding annual election.

Sec. 6. *And be it further enacted*; That should the election not take place on the day fixed for the annual election of councillors, the board shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are elected, and it shall be the duty of the board to fix some other day as early as convenient, within one month thereafter, on which day two of the councillors shall attend and hold an election for councillors;

Clerk, duty of Sec. 7. *And be it further enacted*, That said Intendant and Council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish the same, and all laws and ordinances in some public newspaper, or at two several public places in said town, for one month after such law or ordinance may have been passed.

Oath. Sec. 8. *And be it further enacted*, That the Intendant and Councillors and all other officers first appointed, and their successors in office, shall severally, before they enter upon the duties thereof, take an oath before some justice of the peace or other person qualified to administer oaths, that they will faithfully discharge the duties to them committed, without favor, affection or partiality; a certificate of which oath shall be filed with the Clerk of the Board of Councillors.

Sec. 9. *And be it further enacted*, That all white male inhabitants above the age of twenty-one years, who shall have resided within the limits of said town one month immediately preceding an election for councillors, and all householders, or freeholders, therein, shall be deemed qualified voters at said election.

Sec. 10. *And be it further enacted*, That the Intendant for said town, shall, ex officio, be a justice of the peace within the limits of the same.

Sec. 11. *And be it further enacted*, That the limits of said town shall be known by the limits of the quarter section of land upon which said town of La Fayette is situated.

Approved, January 7, 1835.

[No. 59]

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AN ACT

To change the time of holding the County Court for the County of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the coun-

ty courts for the county of Sumter shall hereafter be holden on the third Mondays in February and August in each and every year. Courts wher held.

Sec. 2. *And be it further enacted,* That all writs and precepts of every description, which have or may hereafter be issued returnable to the said courts, shall be deemed returnable to the time at which the said courts are herein directed to be holden.

Sec. 3. *And be it further enacted,* That all laws and parts of laws coming within the meaning and perview of this act, be, and the same are hereby repealed. Repeal:

Approved, January 7, 1835.

[No. 60]

AN ACT

To authorize George S. Massey & Company to turnpike a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That George S. Massey & Company, be, and they are hereby authorized and empowered to lay out and open a turnpike road, to commence at the house of John Gunter, near the landing, running the most eligible route which they have or may hereafter discover, to the foot of the mountain, to Will's creek in the county of St. Clair. Route:

Sec. 2. *And be it further enacted,* That whenever the judge of the county court of said county, may be informed that the said road is completed, it shall be his duty to appoint three suitable persons as commissioners from his county, to examine the said road and report thereon, and if they should report the same completed and in good order as contemplated, by this act, for the safe and easy transportation of carriages, then and in that case, it shall be the duty of the said judge to authorize the said George S. Massey & Company, to set up one or two gates, as said Massey & Company may think proper; and if there should be more than one gate set up upon said road, not more than one half of the toll allowed by this act shall be demanded at either gate: *Provided,* the citizens of Blount county shall not be compelled to pay toll at any gate on said road: *And provided further,* that the said road shall be eighteen feet wide, clear of every obstruction, twelve feet of which, in the straight, general direction of the road, shall be cleared of stumps and grubs, either taken up by the roots or levelled with the ground; the sloping grounds and banks of water courses shall be so worked on as to ensure the safe and easy passage of horsemen and carriages of every description; all branches, swamps and creeks where necessary, shall be causewayed and bridged with good and durable timbers, put together in a substantial and workman like manner, with ditches on each side of the causeways wherever necessary; the causeways and bridges shall be twelve feet wide: Commissioners, how appointed.

Gate:

How road shall be constructed.

And provided further, That said commissioners shall, before they proceed to examine said road, take and subscribe an oath, to ascertain and report to the said court, truly, the situation of said road, and whether or not it has been made as required by the foregoing proviso: *And provided also,* That no gate shall be put up on said road between where a road will intersect another road, authorized by a charter granted at the present session of the General Assembly, to John S. Brooks and associates, and the southeastern termination thereof.

Rate of toll.

Sec. 3. *And be it further enacted,* That said George S. Massey & Company shall be authorized and empowered to demand and receive the following rates of toll, viz: for every four wheel carriage or waggon, drawn by more than two horses, seventy-five cents, drawn by two horses fifty cents, drawn by one horse, twenty-five cents; for every two wheel carriage twenty-five cents; for every man and horse or mule, 12½ cents; for every loose horse, mule &c. 6¼ cents; for every head of cattle, sheep, hogs, goats &c. 2 cents each.

Persons failing to pay toll how punished

Sec. 4. *And be it further enacted,* That the said George S. Massey & Company, their agent or attorney, shall have power to bring suits and hold to bail, as in other civil actions, before any court having jurisdiction in any county through which said road may run, against any person or persons who may attempt to evade payment of toll according to the rates herein before established, and if any one be convicted of liability and failure to pay such tolls, the judgment shall be entered up for four-fold toll and costs, as in other cases made and provided.

Damages how assessed.

Sec. 5. *And be it further enacted,* That if said road should pass on land or through enclosures, belonging to any individual or individuals who may consider him, her or themselves damaged by the opening of said road, such aggrieved person or persons shall have the same redress as though it had been a public road established by the county courts under the existing laws of this State.

Grant of time

Commencement and completion.

Sec. 6. *And be it further enacted,* That said George S. Massey & Company, their heirs, assigns or transferees, by keeping up said road in good repair, as required by this act, shall be entitled to receive the tolls aforesaid, for fifteen years from the erection of said gate or gates respectively: *Provided,* that the said road shall be commenced within one year from the passage of this act, and completed within two years thereafter, or forfeit the right hereby granted.

Sec. 7. *And be it further enacted,* That the county court of commissioners of roads and revenue of St. Clair county, shall, at any time on satisfactory information given, that said road is out of repair, have power to appoint a jury of three respectable citizens of said county, who being first duly sworn properly to examine and impartially to report the situation of

said road to the judge of the county court of the county aforesaid: and if they report said road not to be in as good repair as contemplated by this act, it shall be the duty of said judge upon such report to order a notice to issue to the said George S. Massey & Company, requiring them to set open said gate or gates, and not again demand toll until they shall have procured the report of three respectable citizens of said county made on oath, that said road is now in good repair as contemplated; and should the said Massey & Company demand toll after such notice served upon them, and before they have been again authorized by the provisions of this section to demand toll, they shall forfeit for each and every such demand the sum of twenty dollars, before any court having jurisdiction thereof, which said fine shall inure to the benefit of the county.

Sec. 8. *And be it further enacted*, That any person or persons who shall in any manner whatever damage or obstruct said road, or injure any improvement thereof, he or they shall be liable to all the pains and penalties that he or they would be, for damaging or obstructing any public highway established or to be established in the State. Liability of persons obstructing.

Sec. 9. *And be it further enacted*, That all the citizens of the county of Jackson, who may reside within five miles of said road on the south-east side of the Tennessee river, shall be permitted to pass the same without paying any toll whatever. Who exempted.

Approved, January 7, 1835.

[No. 61.]

AN ACT

For the relief of William Dunlap.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it may be lawful for William Dunlap, to enroll his name as a practising physician, without undergoing an examination before the medical board

Sec. 2. *And be it further enacted*, That the said William Dunlap, after complying with the requisition in the above section, shall be authorized to practice medicine; *Provided*, that the provisions of this act shall not be so construed as to extend out of the limits of Bibb county.

Approved, January 7, 1835.

No. 62]

AN ACT

Authorizing the judge of the county court and commissioners of roads and revenue of the county court of Morgan to levy a county tax

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue of the county of Morgan, are authorized to levy a county tax not to exceed one hundred per cent. on

the State tax which may be fixed by law, for the purpose of paying the claims against the said county, any law to the contrary notwithstanding.

Approved, January 7, 1835.

[No 63.]

AN ACT

To amend the several acts for the incorporation of the town of Cahawba.

Elections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That elections for counceillors for the town of Cahawba, shall hereafter be held at such place in said town as the intendant and common council of said town, for the time being, shall appoint, and under their superintendence or any two of them, or of any two house-holders of said town, who may be appointed by them to hold such election.

Managers.

Sec. 2. *And be it further enacted,* That should such intendant and council fail to hold such election, on the first Monday in January in every year, or within twenty days thereafter, any three house-holders of said town may proceed to hold said election on giving ten days notice of time and place, and the counceillors, so elected at any election, shall continue in office until their successors are elected and qualified.

Town council
may rent out
certain lands.

Sec. 3. *And be it further enacted,* That nothing contained in the act entitled "An act to dispose of certain public lands and for other purposes," passed January 21, 1832," shall be construed so as to prohibit the town council of Cahawba, from renting or leasing out for the benefit of said town, any* of the lands reserved as a common for said town, for any number of years not exceeding five; but that they may and are hereby authorized to do so.

Approved, January 7, 1835.

[No. 64]

AN ACT.

Supplemental to an act to establish a turnpike road therein mentioned, approved January 7, 1830.

May alter
route.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Philip D. Clack, the proprietor of the turnpike road granted to Robert H. Rodgers, Yelverton C. Woodward and their associates be, and he is hereby authorized to make such other and further amendments, by straitening and improving said road as he may deem necessary.

Sec. 2. *And be it further enacted,* That John Yieilding, Caleb Murphree and Thomas Billingsby, are hereby appointed commissioners, to inspect and review the improvements, made on said road, and they or a majority of them are hereby authorized to receive the same as the established road when the same shall be completed agreeably to the provisions of the before recited act establishing said road, to which this is an amendment.

Sec. 3. *And be it further enacted,* That nothing in this act contained shall authorize any person or persons in any manner to obstruct the road first opened by authority of the above reci-

ted act in the county of Morgan, and the citizens of Morgan county are hereby authorized to keep the said old road in repair.

Approved, January 7, 1835.

[No. 65.]

AN ACT

To permit Bryant Rushing to establish and keep a ferry therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Bryant Rushing be, and he is hereby authorized to establish and keep a ferry on Waxahacha creek, where the road crosses the same, leading from Columbiana, Shelby county, to Coosawda and Wetumpka, in Autauga county.

Sec. 2. *And be it further enacted*, That the said Bryant Rushing is hereby authorized to demand and receive a reasonable compensation for setting any person across said creek, any law to the contrary notwithstanding.

Approved, January 7, 1835.

[No. 66.]

AN ACT

For the relief of Sarah Briggs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the right, title, interest, estate or claim of the State of Alabama, in and to three half quarter sections of land, in township eighteen of range thirteen in the county of Autauga, lately owned by Zebediah Briggs, and of which he died, seized and possessed, and which are now and have, since the death of the said Zebediah Briggs, been in the occupancy and possession of his widow, Sarah Briggs, be, and the same is hereby granted, relinquished to and vested in the said Sarah Briggs, her heirs and assigns forever, saving and reserving the rights of creditors, and all others having any legal claim thereto, excepting always the State of Alabama, and the rights of heirs should there be any. Approved, January 7, 1835.

[No. 56.]

AN ACT

Defining the corporate limits of the town of Summerville in the county of Morgan

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the corporate limits of the town of Summerville, shall not extend beyond the following boundaries, to-wit: commencing at the north-west corner of lot number one hundred and sixty-four, thence south to the south-west corner of lot number one hundred and sixty eight, thence west to the south-east corner of lot number one hundred and forty-nine, thence north to the north-east corner of lot number one hundred and sixty-three, thence east to the beginning.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, January 7, 1835.

For the relief of T. B. Bethea.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of public accounts be, and he is hereby authorized and required to issue his warrant in favor of T. B. Bethea for the sum of sixty dollars for his services as allowed by law for prosecuting negro slaves, Thomas, Newman, John, Nancy and Ann, charged with the murder of their master, Archibald Conthon deceased, before the Hon. John W. Bridges, Judge of the county court of Wilcox county, and Abijah Miller and Robert McBride, two justices of the peace for said county, holden on the twelfth day of April 1834, and also for prosecuting negro slave, Derry, before said court for an assault with an attempt to kill Samuel Qualls, which court was held on the seventh day of June 1834, and that the said sum of sixty dollars be paid out of any monies in the Treasury not otherwise appropriated.

Sec. 2. *And be it further enacted,* That the Comptroller be and he is hereby authorized to issue his warrant in favor of A. P. Bagby for the sum of ten dollars for prosecuting negro slave Davy, before the county court of Clarke county in the year 1833, to be paid out of any money in the treasury not otherwise appropriated.

Approved, January 7, 1835.

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To incorporate the town of Monticello in Pike county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Monticello in the county of Pike be, and the same is hereby incorporated including all the territory in the limits of that town, agreeably to its original plan, together with the lots on which the buildings, called Stillman's tan yard, is situated.

Sec. 2. *And be it further enacted,* That all free white male persons of said town living and residing within the limits of said incorporation, above the age of twenty-one years, are hereby authorized to vote for and elect five persons residing in said town limits as trustees of said corporation, a majority of whom shall constitute a quorum to do business, who are empowered to superintend the police of said town, by passing such bye-laws, not contrary to the laws of the United States or of this State, as they may think proper for the government of said town, and for the suppression and removal of nuisances, laying off and repairing the streets and ways, as may be within the above mentioned boundaries.

Sec. 3. *And be it further enacted,* That said trustees or a majority of them, are hereby authorized to assess such taxes on all property lying within the limits of said corporation, as

Incorporation

Councillors,
how elected.

they may think proper, for all the purposes of a proper police and a necessary revenue therefor, also such reasonable poll tax as they may think fit.

Sec. 4. *And be it further enacted*, That the said trustees shall meet on the day next succeeding the election, and choose from amongst themselves a president, who shall preside and keep order at all the meetings of said trustees; and the president of said trustees is hereby vested with all the powers and privileges of a justice of the peace within the corporate limits of said town; and at the same time and place the said trustees shall elect a treasurer for the corporation and a constable; and the said constable so elected shall be vested with all the powers, privileges, and duties of a constable within the corporate limits aforesaid, and to whom the taxes aforesaid shall be given in on oath, and who shall collect and pay over the same to the treasurer of said town.

President and other officers, how elected.

Sec. 5. *And be it further enacted*, That the election for trustees shall be held on the first Monday in March next, and forever thereafter, on the same day in each succeeding year from 12 o'clock A. M. to three P. M., under the direction of a justice of the peace of said county, and two house-holders or free-holders in such place in said town as a justice may direct.

Elections.

Sec. 6. *And be it further enacted*, That if any vacancies occur in said board of trustees, such vacancies shall be filled by the remaining trustees, and the member or members so added shall continue in office until the succeeding annual election.

Vacancies, how filled.

Sec. 7. *And be it further enacted*, That the said trustees and other officers, before they enter upon the discharge of the duties of their respective offices, shall take and subscribe an oath before some person qualified to administer the same, faithfully and correctly, to discharge the duties to them committed, according to the best of their ability, without favor or partiality.

Oath.

Sec. 8. *And be it further enacted*, That all persons living within said corporation shall be exempt from working on roads, other than those within the limits of the corporation.

Sec. 9. *And be it further enacted*, That if from any cause the regular annual election of trustees should not take place at the proper time, that the president of the board of trustees shall be authorized to hold an election for the officers of said corporation, after giving ten days notice of the time and place of the same, and the said trustees and other officers of said town shall remain in office and authority until their successors are duly elected.

Failure of elections not to vacate charter.

Approved, January 7, 1835.

No. 70.]

AN ACT

For the relief of Eloisa Beasley. ?

Section 1. *Be it enacted by the Senate and House of Re-*

representatives of the State of Alabama in General Assembly convened, That it shall be lawful for Eloisa Beasley to take, receive, and hold by purchase, gift or inheritance, any property, either real or personal, free from the hindrance, molestation or authority of her husband Seamore S. Beasley, and the same to dispose of by will, gift or or sale, in the same manner as if she was a feme sole.

Approved, January 8, 1835

[No. 71.]

AN ACT

To change the name of Louisa Blankenship and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of Louisa Blankenship be, and the same is hereby changed to the name of Louisa McAllister.

Sec. 4. *And be it further enacted*, That the said Louisa McAllister, by that name, is hereby made capable in law to take and hold all the estate both real and personal, bequeathed to her by the last will and testament of Edmund McAllister, deceased, late of Lawrence county, on condition that she would take the name of McAllister.

Approved, January 9, 1835.

[No. 72.]

AN ACT

To divorce Dorcas E. Clary from her husband John Clary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of the county of Autauga, exercising chancery jurisdiction, that the bonds of matrimony, heretofore solemnized and subsisting between Dorcas E. Clary and John Clary, be dissolved, and that the said Dorcas E. Clary be henceforth divorced from the said John Clary.

Approved, January 9, 1835.

[No. 73.]

AN ACT

To divorce Sophronia Strange from her husband John J. Strange.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of the county of Conecuh exercising chancery jurisdiction, the bonds of matrimony, heretofore solemnized and subsisting between Sophronia Strange and John J. Strange be dissolved, and that the said Sophronia Strange be henceforth divorced from the said John J. Strange.

Approved, January 9, 1835.

[No. 74]

AN ACT

For the benefit of the people of the town of Carrolton, in the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That no person, residing within the corporate limits of the town of Carrolton, shall be required to work on public roads, except within the limits of said corporation; any law, usage, or custom to the contrary notwithstanding.

Approved, January 9, 1835.

To incorporate the Mobile and Cedar Point Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the persons, who may become stockholders in the Mobile and Cedar Point Rail Road Company, according to the provisions of this act, shall be, and they are hereby created a corporation and body politic, by the name and style of "the President and Directors of the Mobile and Cedar Point Rail Road Company," and by that name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and realize to them and their successors and assigns, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatsoever kind, nature or quality, in any amount, not exceeding in the whole, seven hundred and fifty thousand dollars, including the capital stock of the said company; and the same to sell, grant, demise, alien, lease, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; and also to make, have, and use a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish, and put in execution such bye-laws, ordinances, and resolutions, as they shall deem necessary and convenient, for the good government of said corporation, not being contrary to the constitution, or to the laws of this State, or of the United States, and generally to do and to execute all and singular, the acts, matters and things which to them, it shall or may appertain to do, subject nevertheless, to the rules, restrictions, limitations, and provisions hereinafter prescribed and declared.

Incorporation
and powers of
Company.

Sec. 2. *And be it further enacted,* That Alexis D. Durand, Henry Chamberlain, Joseph Kreps, M. D. Eslava, A. H. Gazzam, Philip McLoskey, John K. Collins, John F. Everitt, H. Goldthwait, W. R. Hallet, William H. Robertson, A. W. Gordon, and James Innerarity, be, and they are hereby appointed commissioners, any seven of whom shall be competent to act, and to do all business necessary to be done by virtue of this act of incorporation, and under the direction of a majority of whom, subscriptions may be received to the capital stock, of the Mobile and Cedar Point Rail Road Company; and they shall from time to time cause books to be opened in the city of Mobile, and at such other places as they may think proper, for the purpose of receiving subscriptions to the capital stock of said company, until not less than five hundred shares be subscribed, and shall give public notice, not less than than thirty days, of the time and place of opening said books, and the subscribers thereto shall pay to the said commissioners, at the time of subscribing, the sum of five dollars on each and every share of stock thus subscribed for, which the said commissioners shall

Commission-
ers, their du-
ties.

deposite in the Branch of the Bank of the State of Alabama at Mobile, to the use of the president and directors of the said rail road company, to be chosen in the manner hereinafter mentioned.

Sec. 3. *And be it further enacted*, That the stock of said corporation shall be divided into shares of one hundred dollars each, transferable by endorsement, and entry thereof in the books of the said corporation, under such rules and regulations as the president and directors shall establish by their bye-laws, and the holder thereof shall be entitled to all the benefits, and subject to all the liabilities of an original stockholder.

Shares of stock.

General meeting, when called.

Directors, how elected.

Sec. 4. *And be it further enacted*, That as soon as five hundred shares of said capital stock shall have been subscribed, the said commissioners, empowered to act as aforesaid, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least thirty days public notice thereof, and at such meeting, the said commissioners shall lay the subscription books before the subscribers, then and there present, and thereupon the said subscribers, or a majority of them in value then and there present, personally, or by proxy, shall elect thirteen directors, to manage the affairs of the said company, who shall be owners of, at least, five shares each, and the directors, thus chosen, shall at their first meeting, elect from among themselves, a president of said company; and in said election, and on all other occasions whenever a vote of stockholders of said company shall be necessary to be taken, each stockholders shall be allowed one vote, to be given personally or by proxy, for every share owned by him or her; and the said president and directors elected under this section, shall hold their offices until the first Monday in February thereafter, and until their successors shall be duly elected and qualified.

Annual election.

Vacancy, how filled

Sec. 5. *And be it further enacted*, That the president and directors of said company shall thereafter be elected annually, on the first Monday in February in the city of Mobile, in the manner prescribed in the foregoing section; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or director, before the expiration of the time for which they were elected, such vacancy shall be filled for the balance of such time, by the president and directors in office, or a majority of them; and the said president and directors shall hold and exercise their office until their successors are chosen, and qualified; and all elections, which are by this act, or by the bye-laws of said company, to be made on a certain day, or at a particular time, if not made on such day, or at such time, may be made within thirty days thereafter.

Sec. 6. *And be it further enacted*, That every president and director of said company, before he acts as such, shall swear (or affirm as the case may be,) that he will well and truly

discharge the duties of said office, to the best of his skill and judgment.

Oath of office.

Sec. 7. *And be it further enacted*, That the president and directors of the said company, after they shall have been organized, may, as often as they shall deem it for the welfare of the corporation, on giving thirty days notice thereof, proceed to open books for further subscriptions of stock, at such places as they may think fit, and they may, at their discretion, continue to receive subscriptions for capital stock, until the amount taken be equal to three thousand shares, when no further subscriptions for stock shall be received, unless the same shall be authorized by a majority of the stockholders in amount, at some called meeting, and the amount of such increase, to the capital stock, shall be by them particularly designated.

Increase of stock, how made.

Sec. 8. *And be it further enacted*, That the president and directors of the said company, shall have power to borrow money, contract debts, and be contracted with, upon the credit of the stock of the said company, and to issue certificates, or other evidences of such loans, and to provide for the payment of interest on the same, and to pledge the personal and real estate of said company, for the payment of its debts and loans; and they shall have the power to require payment of the stock subscribed in such instalments, as they may deem for the interest of the said company; and if any subscriber of stock in said railroad company, shall fail to pay his instalments as required by the said president and directors, they, the said president and directors shall have power to declare such shares forfeited to the company, and after giving thirty days public notice, to offer them for sale at public auction for ready money, or so many as will be sufficient to pay the amount then due, and called in. And a sale, thus made, shall vest the purchaser with all the rights of the original holder, but shall not release such holder from the payment of any balance that may be due on his subscription, should the stock sold produce less than the whole amount subscribed therefor, and should the money called in be paid before a sale actually takes place, together with the costs incurred preparatory to the said sale, it shall restore the stock to the original holder, notwithstanding the forfeiture, and the stock of the said company shall be deemed and considered in law as personal property.

May borrow money.

Instalments, how made.

Stock forfeited.

Sec. 9. *And be it further enacted*, That on the fourth Monday of January in every year, it shall be the duty of the said president and directors, or of those then in office, to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders, and each and every one of them personally, or by proxy, is hereby fully authorized and empowered to inspect, and thoroughly examine the same.

Annual statement.

Sec. 10. *And be it further enacted*, That the said president

Called mee-
tings.

and directors shall have the power to call meetings of the stock holders at any time, stating in the call the business to be done, and no other shall be transacted at such called meeting, and a majority of the stockholders in value of stock, may also themselves or by their proxies at any time call meetings of the said stockholders, on giving thirty days public notice thereof, and at such called meeting, a majority of the stockholders, in value, shall have power to remove any president or any of the directors, and elect others in their stead.

Officers, how
appointed.

Sec. 11. *And be it further enacted*, That the president and directors, or a majority of them, may appoint all such officers engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of said company, and may remove any of them at their pleasure, and a majority of them shall have power to establish the compensation of the president for his services, and to determine, by contract, the compensation for all engineers, officers, and servants in the employ of said company.

Power to con-
struct roads.

Sec. 12. *And be it further enacted*, That the said president and directors, and their successors in office, shall be, and they are hereby invested with all the rights and powers, necessary to the construction, establishment and repair of a rail-road, with one or more sets of tracks or rails from any part of the city of Mobile, to Cedar Point, in Mobile county, and to continue the same into Mobile bay from the island Mon-Louis in said county, by such work or works, as will be found most expedient for that purpose: and also from or near to said Cedar Point, into the waters adjacent thereto; and at the extremities or other convenient parts of said rail road in Mobile bay, and in the waters adjacent to said Cedar Point, to construct, erect and establish, and keep in repair, such bulk-heads, breakwaters and wharves, as shall be necessary for the convenience, protection, security, loading and discharging of the heavy ships and vessels in Mobile bay, and of such vessels, or craft as may be desirous of loading or discharging at or near said Cedar Point.

Contracts.

Sec. 13. *And be it further enacted*, That the said president and directors shall be authorized to contract for, and receive conveyances for any land, stone, gravel, timber, or other materials necessary for the use and construction of the said rail-road, and when the owner, and the said president and directors cannot agree, or the owner thereof be an infant, non-resident, or non compos-mentis, or the said lands shall be public lands, or the owner thereof shall not be known, then, and in either and every such case, it shall be lawful for the said president and directors, to apply to the judge of the county court of Mobile county, and on such application it shall be the duty of the said judge forthwith to issue a warrant under his hand and seal, directed

to the sheriff of said county, commanding him to summon the owner of such lands or materials, if to be found in said county, and if not to be found in said county, or is unknown, or the said lands are public lands, then to cause the said summons to be published in the newspapers printed in the city of *Mobile*, for ten days previously to the return thereof, which publication thereof, as aforesaid, shall be deemed and taken as equivalent to a personal service thereof. And also to summon a jury of twelve disinterested freeholders to appear before him at the court house of said county, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials required; and in the case of lands, they shall, in the same assessment, assess the damages that the owner thereof may sustain by reason of the land being so taken for the use of the said road; and in all assessments of value and damage under this act, the jury shall take into consideration the advantages the defendant may derive from said road, and render their verdict accordingly; and it shall be the duty of the judge before whom the assessment is so made, to make a record thereof, and return the same to the clerk of the circuit court for said county, and the said clerk shall enter the same as a cause on the trial docket of said court at the next term succeeding the return thereof, and on motion, if no objection is made, the same shall be affirmed, and judgment thereof be entered as in other cases; and if said motion be resisted, and sufficient cause in law be shewn for setting aside said assessment, then judgment thereof shall be entered, and the court shall forthwith order an issue to be made between the parties to try the same matter, and the parties shall proceed thereon *de novo*; and at the same term of the court, unless sufficient cause be shewn by either party, for the continuance thereof, and that the judgment of the circuit court when for the complainant, shall be that the land in question, or the materials as the case may be, is condemned to the use of the President and Directors of the said rail road company, and that the said company shall pay to the defendant such sum, together with costs, as may be found by the jury, to be a reasonable and proper compensation, and the same shall become vested in the said company forever; and in all cases of final judgment, the party aggrieved shall have his writ of error as in other cases. *Provided*, That the work shall, in no ways, be delayed by any proceedings had in the premises, after the judge shall return, to the clerk of the circuit court, the assessment of the jury by him convened; but the president and directors tendering the sum, so assessed, to the owner, or on depositing the amount for the use of the owner with the clerk of the said circuit court, may proceed with the work as upon final judgment, in favor of said claim; and in case of tender as aforesaid and acceptance thereof, such acceptance

Damages,
how assessed.

shall be considered as a release of all errors in the proceedings, and the circuit court shall, on suggestion, enquire thereof, and give judgment accordingly.

Sec. 14. *And be it further enacted*, That the said president and directors, after having had the tracks upon which the said rail road is to run, surveyed, and selected, may proceed to let the same to contract, and the said road or roads, with all the works, improvements and machinery for transportation, used on said roads, are hereby vested in said company and their successors.

Penalty for damages.

Sec. 15. *And be it further enacted*, That in case any person shall willfully injure or obstruct in any degree the said road or roads, or any of the machinery connected therewith, and necessary for the use thereof, or any of its locomotives, or cars, or of its appendages and appurtenances, by this act authorized to be constructed, built, erected or established, he shall forfeit and pay to the president and directors of said company for the use of the said company, three times the amount of all damages, which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind over the person or persons so offending, with sufficient security, for his or their good behavior, for a term not less than one year; and such offenders shall also be subject to indictment, and shall be sentenced on conviction at the discretion of the court, to be imprisoned for a period not exceeding eighteen months.

Sec. 16. *And be it further enacted*, That the said president and directors, in surveying or locating the route of said road, shall not have power to remove any dwelling house without the consent of the owner thereof, nor shall they obstruct any highway without the express assent of the duly constituted authorities having power and authority over the same, but shall provide suitable and convenient ways for crossing said roads; they shall in no ways exercise banking privileges, and they shall begin the said rail road within one year, and complete the same within four years, or forfeit the charter hereby granted.

Toll.

Sec. 17. *And be it further enacted*, That after the completion of the said road, or any part thereof, the said president and directors may lay and collect reasonable toll from all persons, goods, merchandize, or other commodities transported thereon, and on goods, wares and merchandize, discharged upon their wharves, bulkheads, or breakwaters, or upon the ships, or vessels, or water craft, using, or availing themselves of the same, the one half of the current rates of wharfage, which shall be charged for similar uses or services, at the wharves in the city of Mobile.

Sec. 18. *And be it further enacted*, That the said president and directors shall, annually, or semi-annually, declare and make dividends of the profits accruing to the said company, after deducting therefrom such sums as they may think sufficient for the current and contingent expenses of the company, and they shall divide the same among the proprietors of the stock in proportion to their respective shares: *Provided*, That their profits as aforesaid shall not exceed twenty-five per cent per annum: *And provided also*, that the said company shall be allowed the right, for fifty years from the commencement of the said rail road and works from within Mobile city to Cedar Point and adjacent waters, and into the bay of Mobile as herein before expressed, of using said rail road and locomotive engines between the places aforesaid; *And provided also*, that at the expiration of the said fifty years, the State of Alabama shall be authorized to take the whole of said stock, as the property of the State, upon the payment of the actual value of the stock of said company to the said president and directors, to be by them paid over to the stockholders, in proportion to their respective shares. Dividends.

Right for 50 years.

Approved, January 9, 1835.

[No. 76.]

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AN ACT

To divorce James D. Bradley from his wife Henrietta Bradley.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity to the decree of the circuit court of the county of Franklin exercising chancery jurisdiction, the bonds of matrimony, heretofore solemnized and subsisting between James D. Bradley and Henrietta Bradley, be dissolved, and that the said James D. Bradley be divorced from the said Henrietta Bradley. Right for 50 years.

Approved, January 9, 1835.

[No. 77.]

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AN ACT

Authorizing the summoning additional jurors in the county of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be the duty of the sheriff of Wilcox county, to summon twenty-four jurors in addition to those now required to be summoned by law, to attend the second week of each and every term of the circuit court of said county, in the same manner and under the same regulations as is now prescribed by law for summoning jurors to attend the several circuit courts of this State. Twenty-four jurors to be summoned.

Sec. 2. *And be it further enacted*, That the jurors required to be summoned by this act, shall be liable to the same penalties and entitled to the same compensation as jurors in other cases; and if from any cause a sufficient number of said jurors shall not attend, it shall be lawful to supply the defect by summoning tales jurors in the manner now provided by law.

Sec. 3. *And be it further enacted*, That from and after the passage of this act, all persons who may serve as tales jurors in the county of Wilcox, shall be entitled to the same compensation for the time they may serve, as is now allowed by law to members of the regular pannel.

Approved, January 9, 1835.

[No. 78.]

AN ACT

To repeal an act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act passed on the 19th day of January 1832, incorporating the town of Larkinsville in the county of Jackson, be, and the same is hereby repealed.

Approved, January 9, 1835.

No. 79]

AN ACT

To compensate Argyle Campbell for prosecuting slaves in the county of Lawrence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of twenty dollars be, and the same is allowed as compensation to Argyle Campbell for prosecuting two slaves in the county of Lawrence.

Sec. 2. *And be it further enacted*, That the sum of ten dollars be, and the same is hereby allowed to Lewis Kenaday as compensation for prosecuting in behalf of the State, negro Sam in Bibb county, and that the same be paid out of any money in the treasury not otherwise appropriated.

Approved, January 9, 1835.

[No. 80]

AN ACT

To divorce James Munnerlyn from his wife Mary Munnerlyn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of the county of Lowndes exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between James Munnerlyn and Mary J. Munnerlyn, be dissolved, and that the said James Munnerlyn be henceforth divorced from the said Mary J. Munnerlyn.

Approved, January 9, 1835.

[No. 81]

AN ACT

To authorize Jacob Whetstone, John A. Whetstone, and Lewis G. Robinson to establish a lumber yard and raft landing at the town of Coosawda.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Jacob Whetstone, John A. Whetstone, and Lewis G. Robinson, are authorized to establish a lumber yard and raft landing in the town of Coosawda on a certain parcel of land bound-

ed north by Court street, west by Front street, south by Spring street, east by Alabama river, which said lot of land belongs to said persons.

Sec. 2. *And be it further enacted*, That the said Jacob Whetstone, John A. Whetstone and Lewis G. Robinson, shall have the exclusive privilege of rafting lumber opposite said lot.

Approved, January 9, 1835.

[No. 82]

AN ACT

To incorporate the town of Jamestown.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all that tract of land laid off into lots by the trustees of said town, shall be known and called by the name of the town of Jamestown. Limits of corporation.

Sec. 2. *And be it further enacted*, That on the first Monday of March next, the citizens of said town shall or may elect five councillors by ballot, at some convenient place in said town, and that all free white males of the age of twenty-one and upwards, shall have a right to vote; *Provided*, they have resided in said town three months previous to said election, and all freeholders and house-holders, shall be entitled to a vote for said councillors; and when the election shall be closed, and the councillors elected and qualified, they shall proceed to elect one of their own body intendant, whose duty it shall be to preside and preserve order at all meetings of the council, and the person so elected shall continue in office till his successor is duly elected and qualified. Council how elected. Who shall vote.

Sec. 3. *And be it further enacted*, That the first election shall be held and conducted by George W. Clauton, Henry Johnson and John A. White or a majority of them, who shall give ten days previous notice of the said election, by advertisement in two or more public places in said town; all further elections shall be managed by such persons as may be appointed by the said council, not more than three who shall give the like notice as are required under the provisions of this act; and the intendant and council shall, respectively, before they enter upon the discharge of their respective duties, required in the provisions of this act, take the following oath before some justice of the peace of Sumpter county; I do solemnly swear or affirm, as the case may be, that I will equally and impartially perform all the duties required of me in the act incorporating the town of Jamestown, in the county of Sumpter, so help me God. Elections how held. Oath of Intendant & council.

Sec. 4. *And be it further enacted*, That the intendant and council, are hereby declared to be a body corporate, by the name of the town council of the town of Jamestown, and by this name they and their successors shall be capable of suing and being sued, pleading and being impleaded, in all manner of suits either in law or equity, and to have a common seal, and Act of Incorporation.

May hold pro-
perty.

the same to alter at pleasure; and may purchase, have, hold, possess, receive, enjoy and retain in perpetuity, or for any term of years, estate real or personal, not exceeding in value five thousand dollars, and may sell or lease the same.

Vacancy how
filled.

Sec. 5. *And be it further enacted*, That if the intendant die, resign, or be removed from office or absent, the council shall fill such vacancy by an appointment pro tem or otherwise, and vacancies in the council shall and may be filled by the intendant and remaining councillors or a majority of them, shall be a quorum to transact business.

Bye-laws.

Sec. 6. *And be it further enacted*, That the council shall have power to pass all such orders, bye-laws and ordinances, respecting the street or streets, market buildings, pleasure carriages, waggons, carts, drays, and police of said town, that shall be necessary for the security and welfare of the inhabitants thereof, and for preserving health, peace, order, and good government within the same, and to assess a tax on the inhabitants thereof, not exceeding one third of the amount of the State tax, which is paid for property of the same kind; they shall power to remove and prevent nuisances, to appoint patrols and define their duties, to affix fines against persons violating their bye-laws and ordinances, not exceeding twenty-five dollars for every offence, to be recovered before the intendant or any member of the council, for the use and benefit of the said town; to assess a tax on licenses to retailers of spirituous liquors and billiard tables kept for use in said town, not exceeding on the licenses ten dollars, and on the table fifty dollars, in any one year; they may have power to appoint a clerk and treasurer, and assessor and tax collector, and constable* for said town, to affix the salaries and fees of said officers respectively, and define their duties; to confine any person or persons for a crime not exceeding five hours, who shall incur any penalty or forfeiture inflicted by any of the ordinances of said incorporation, passed in conformity to the provisions of this act, and the power vested in said intendant and council.

Powers of In-
tendant and
council.

Sec. 7. *And be it further enacted*; That the intendant and each and every one of the council shall be vested with all the powers and authorities that justices of the peace are vested with by the laws of this State, and may exercise the same within the limits of the said incorporation; but in matters of debt only where the town council shall be a party, subject nevertheless, to an appeal to the circuit court of Sumpter county, as in cases of appeal from justices of the peace.

Tax.

Sec. 8. *And be it further enacted*, That the intendant and council shall have no power to assess a tax on lands which shall not have been laid off and sold, or any property of the United States or this State, or property belonging to any seminary of learning, church or religious society; they shall have no

power to tax the improvements on any lots for the term of one year, or to make any bye-laws repugnant to the laws of this State or of this act; and all the bye-laws and ordinances shall be subject to revisal or repeal by the general assembly.

Sec. 9. *And be it further enacted*, That if the intendant or any member of the council shall be guilty of any mal-practice in office, he shall forfeit and pay a sum not exceeding two hundred dollars for every such wilfull neglect or mal practice, to be recovered by any person sueing for the same before or in any court having cognizance of the same, one half for the use of the informer, and the other to be paid into the county treasury of the county of Sumter. Penalties.

Sec. 10. *And be it further enacted*, That in case at any time the intendant and council shall fail to hold elections under this charter, it may be lawful for any of the citizens residing in said town, three in number or more, to advertise an election for officers; and council so elected, shall be deemed and held equally legal and valid, as if they were elected according to the foregoing provisions of this act. Elections how held.
Approved, January 9, 1835.

[No 83.]

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AN ACT

For the relief of Thomas Allison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of one hundred dollars be, and the same is hereby appropriated to Thomas Allison of Greene county, for having arrested and prosecuting to conviction in the circuit court of said county, Jesse G. Webb for the crime of horse stealing, to be paid out of any money in the treasury not otherwise appropriated, on the warrant of the Comptroller.

Approved, January 9, 1835.

[No. 84.]

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AN ACT

To restore Taylor Brown and Franklin Brown to rights of citizenship.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the seventh day of January 1835, Taylor Brown and Franklin Brown be, and they are hereby restored to all the rights and privileges of citizens of this State, in the same way and manner that all others may have or enjoy the same.

Approved, January 9, 1835.

[No. 85]

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AN ACT

To divide the seventy-fourth regiment of the militia of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the seventy-fourth regiment of the militia of this State shall be divided and composed of two regiments.

Sec. 2. *And be it further enacted*, That all that part of St. Clair county, known as Big and Little Wills' Valley, shall 75th Regiment.

hereafter compose the seventy fifth regiment of the militia of this State.

Organization. Sec. 3. *And be it further enacted*, That the regiment, hereby created, shall be organized in the manner now provided for by law.

Dividing line. Sec. 4. *And be it further enacted*, That a line commencing at the house of Lewis Rheds on Will's creek, and running thence to John Choats, thence to the dividing ridge between Turkey town and Little Will's Valley, thence along said ridge to the Georgia State line, shall be the dividing line between the seventy-fourth and seventy-fifth regiments of the militia of this State.

Officers to continue in commission. Sec. 5. *And be it further enacted*, That all officers now in command in the 74th regiment, and that may fall in the 75th regiment, shall hold their offices in said regiment as now provided by law.

Approved, January 9, 1835.



[No. 86.]

AN ACT

To incorporate the Talladega Male Academy.

Incorporation Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and immediately after the passage of this act, the academy at Talladega court house, now known by the name of the Talladega Male Academy, shall be known and called by that name, and that William H. Campbell, Milton L. McGuire, Henry McKenzie, James W. Talmadge, Major David Conner, Jesse Upton, and Col. William D. Lovel, and their successors in office be, and they are hereby declared to be a body politic and corporate, by the name and style of the Talladega Male Academy, and as such shall be capable and liable in law, to sue and be sued, plead and be impleaded, and shall be authorized to make such bye-laws and regulations, as shall be necessary for the government of said Academy: *Provided*, such bye-laws and regulations are not repugnant to the constitution and laws of this State, and for that purpose may have and use a common seal, appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Powers.

May hold property. Sec. 2. *And be it further enacted*, by the authority aforesaid, That the said trustees shall be capable of accepting and being invested with all manner of property, real and personal, all donations, gifts, grants, privileges and immunities whatsoever, which may belong to said institution, or which may hereafter be conveyed or transferred to them, or their successors in office, to have and to hold the same, for the proper benefit and use of said Academy.

Vacancy how filled. Sec. 3. *And be it further enacted*, by the authority aforesaid, That when any vacancy may occur by death, resignation

or otherwise, of any of the trustees of the Talladega Male Academy, the survivors or remaining trustees shall fill the same, in such manner as shall be pointed out by the bye-laws and regulations of the said incorporation.

Approved, January 9, 1835.

[No. 87.]

AN ACT

Authorizing the citizens of the town of Fayetteville to work on the streets of said town.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the court of commissioners of roads and revenue of the county of Fayette be, and they are hereby authorized, and it is hereby made their duty, to appoint an overseer for the streets of the town of Fayetteville, and apportion all the citizens within the limits of said town liable to work on roads, to work on the streets and public square within the same, under the same penalties now provided by law against overseers and hands that are now liable to work on roads.

Sec. 2. *And be it further enacted,* That nothing in this act shall be construed to authorize the overseer to take the hands appointed to him as overseer of such streets and public square out of the limits of said town of Fayetteville.

Approved, January 9, 1835.

[No. 88.]

AN ACT

For the relief of the city troop of horse commanded by Capt. Wm. Crothers of the city of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the captain, officers and men composing the city troop of horse within the city of Mobile, be, and the same are hereby exempt from jury duty within the city of Mobile: *Provided, however,* that said troops shall at all times upon an alarm of fire, invasion, or public alarm, repair to the scene, and report themselves to and obey the orders given them by the Mayor or any Alderman or fire-warden of the city of Mobile, under the command of the captain or officers highest in command, which order shall only extend to the protection of property, and patrol duty for the time being.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Approved, January 9, 1835.

No. 89.]

AN ACT

To amend an act incorporating the town of Huntsville, passed January 9, 1823.

WHEREAS, serious inconvenience sometimes occurs in the town of Huntsville in consequence of the sickness or absence of the Mayor of said town, and because no power is given in the said act of incorporation to supply his vacancy during such sickness or absence. Therefore,

On absence of
mayor. alder-
men to ap-
point a may-
or pro tem.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that whenever the Mayor, for the time being, shall have been sick or absent for the space of one week, it shall be lawful for the board of aldermen of the town of Huntsville, to make a pro tem appointment of one of their Board, to fill his vacancy until such sickness or absence of the Mayor shall determine, and the said Mayor pro tem, shall be invested with the same duties and powers as the Mayor proper, for the time he shall remain Mayor or pro tem as aforesaid.

Mayor may
make pro tem
appointments

Sec. 2. *And be it further enacted,* That in case of emergency whenever from sickness the Mayor shall not be able to act, it shall be in the power of said Mayor, or by order in writing, to appoint forthwith one of the board of Aldermen in his stead, who shall exercise all the duties and powers of mayor until the mayor proper shall recover, or until the board of aldermen, from continued indisposition, shall proceed to fill his vacancy, in the manner above mentioned in the first section of this act.

Approved, January 9, 1835.

[No. 90.]

AN ACT

To incorporate the cane brake Legion of Cavalry at Macon in the county of Marengo.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the company of cavalry, styled the cane brake legion, and formed and commanded by Captain John C. Pickens at Macon in the county of Marengo, and consisting and to consist of not less than twenty-five nor more than one hundred men with their successors, be, and they are hereby made and declared to be a body politic and corporate, under the name and style aforesaid, with the usual powers incident and common to bodies corporate.

Uniform.

Sec. 2. *And be it further enacted,* That it shall be the duty of said company, and they are hereby required within six months from the passage of this act, to uniform themselves fully and completely in some suitable and proper uniform, to be by them selected, and in such uniform to muster at least six times in each and every year: and each member of said company, the officers excepted, shall, under such rules and regulations as the said company may adopt, be compelled and required to perform patrol duty at least twenty-four nights in each and every year, and during the performance of such duty, to wear the usual company uniform.

Army.

Sec. 3. *And be it further enacted,* That the said company of cavalry shall be wholly free and exempt from the orders and control of the colonel commandant of the regiment in which

said company or any member of it may be, and of all other officers of the militia of this State, except when called into actual service: and the captain of said company shall be compelled to return the strength of said company to the adjutant general of this State at the seat of government, on or before the 1st of November in each and every year.

Captain to
make return.

Sec. 4. *And be it further enacted*, That the members of said company shall be free and exempt from performing any other military duty, than is required by this act, except when called into actual service; they are also declared to be free and exempt from performing any road or street labor, or duty, and from serving on juries: and all fines and forfeitures levied and collected by said company from any of its officers, or members, under such constitution or bye-laws as they may rightfully and legally adopt, shall belong exclusively to said company, to be by them appropriated as they may think proper. Exemption.

Sec. 5. *And be it further enacted*, That the Governor be, and he is hereby authorized and required to furnish arms and accoutrements to the said company of cavalry, upon the requisition of the captain of the same: *Provided*, that he give bond and sufficient security for such arms and accoutrements.

Approved, January 9, 1835.

[No. 91]

AN ACT

Authorizing the judge of the county court and commissioners of roads and revenue of the county of Dallas, to pay Thomas J. Frow, for certain services therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue are hereby authorized to pay Thomas J. Frow his account for publishing notice of the time of holding an election for the location of the seat of justice in Dallas county, out of any money in the county treasury not otherwise appropriated.

Approved, January 9, 1835.

[No. 92]

AN ACT

To form a company of militia with a less number of privates than forty, in the county of Franklin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful to form a new company beat of militia of a less number of privates than forty, in the 9th regiment of Alabama militia, in the county of Franklin, to be formed of such portions of townships seven and eight of range twelve and thirteen in said county, as a regimental court martial, to be convened by the order of the commanding officer of said regiment, shall lay off, designate and establish.

Sec. 2. *And be it further enacted*, That the company thus formed, shall be officered in the same manner as other militia companies are in this state, and as soon as said company is or-

ganized, the captain is hereby authorized and required to hold an election for two justices of the peace and one constable, who shall be subject to the same rules and regulations as other officers of the same grade are, and shall hold their offices until the next general election for such officers.

Approved, January 9, 1835.

[No. 93.]

AN ACT

For the relief of Sarah Ward.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Sarah Ward be, and she is hereby made capable of acquiring and holding separate estate and property, as if she were a feme sole, of which she may dispose by gift, grant sale, last will and testament, or otherwise, and in the event that she shall die intestate, the same shall descend to and be distributed among her heirs as in other cases of intestate, and no property acquired by the said Sarah Ward, shall be liable for the payment of the debts of her husband. Approved, January 9, 1835.

[No. 94.]

AN ACT

To amend an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka, approved, January 17, 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of the 12th section of said act, be extended for one year from and after the passage of this act.

Approved, January 9, 1835.

[No. 95.]

AN ACT

To divorce Patsy Sillman from her husband Fielding Sillman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the circuit court of the county of St. Clair, exercising chancery jurisdiction the bonds of matrimony heretofore solemnized and subsisting between Patsey Sillman and Fielding Sillman be dissolved, and that the said Patsey Sillman be divorced from the said Fielding Sillman.

Approved, January 9, 1835.

No. 96]

AN ACT

Permanently locating the seat of justice in Coosa county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the late acts of the commissioners for the county of Coosa, in selecting a site for the location of the seat of justice for said county be, and the same are hereby approved, ratified and confirmed, and the scite selected is hereby declared the permanent seat of justice for Coosa county, and shall be known and called by the name of Rockford: *Provided, however,* that a legal title be procured to the same.

Sec. 2. *And be it further enacted*, That it shall be the duty of the judge of said county court and commissioners of revenue and roads of said county, to perform all the duties required of commissioners appointed by an act entitled an act to organize the county of Coosa, and to locate the seat of justice, approved 24th December 1833, in relation to the disposal of the scite selected for the seat of justice, and the erection of public buildings for said county.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, January 9, 1835.

No. 97.]

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AN ACT

To revive an act entitled an act to incorporate the town of Pikeville in the county of Marion, approved January 12, 1827.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act be, and the same is hereby revived. Revival.

Sec. 2. *And be it further enacted*, That it shall be the duty of the justice of the peace, residing nearest the court house in said town of Pikeville, to superintend the elections for trustees to said corporation, according to the provisions of the above recited act. Election of trustees.

Sec. 3. *And be it further enacted*, That the mayor and aldermen of the town of Carrollton in Pickens county, shall have power to levy and collect a tax, not exceeding one per centum upon the value of all the real property in the said town, whenever the same shall be subject to taxation, not contrary to the act of Congress, to be assessed and collected according to such regulations as they may deem most expedient; they shall also have power to levy and collect a poll tax not exceeding one dollar on each white male inhabitant above the age of twenty-one years, and not exceeding forty-five, if he shall have resided in the said town three months immediately preceding the time of levying the said tax; they shall have power also to levy and collect a tax on all gigs, four wheeled carriages, carts and wagons, belonging to citizens of said town, or used within the limits of the said incorporation, and also on all retailers of spirituous liquors, goods, wares, and merchandize, or either of them, not exceeding five dollars; also a tax not exceeding one dollar on each slave, within the limits of the said incorporation, above the age of twelve and not exceeding fifty years, to be paid by the person having said slave or slaves in his employment. Tax levied in Carrollton.

Sec. 4. *And be it further enacted*, That the mayor and aldermen of said town of Carrollton, shall have power to pass such bye-laws and ordinances as they may deem necessary for the proper regulation and government of the said town, for kee- Bye-laws. Officers.

ping in repair the streets and roads within the limits of said incorporation, to appoint a constable, secretary, and such other subordinate officers as they may deem necessary.

Repeal of former act.

Sec. 5. *And be it further enacted*, That the tenth section of an act entitled an act to incorporate the town of Carrollton in the county of Pickens and Fayetteville in the county of Fayette and for other purposes, approved January 15th 1831, be, and the same is hereby repealed after the first Monday in March next, and the Mayor of said incorporation shall, after that time, be ex officio a justice of the peace within the limits of the said incorporation. Approved, January 9, 1835.

[No. 98.]

AN ACT

To incorporate the Alabama Female Institute.

President and trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John F. Wallis, James H. Dearing, Peter Martin, John O. Cummins, William H. Williams, John J. Webster, Wiley J. Dearing, H. C. Kidder, and their successors in office, shall be, and they are hereby established a body politic and corporate, in deed and in law, by the name and style of the president and trustees of the Alabama Female Institute, and by that name shall have power to receive donations, borrow money, purchase, have, and hold real estate in perpetuity, and to sell the same, and also to sue and be sued, plead and be impleaded, and to recover all debts that may become due, owing or belonging to said institution, as the property thereof.

Powers.

Appointment of officers.

Sec. 2. *And be it further enacted*, That the before named board of trustees shall have power to appoint a president, secretary and treasurer, and such other officers, directors, or visitors as they may deem necessary or expedient, for the good government or well being of the said institution, and to prescribe the duties of each, to grant such rewards or confer such honors on graduates, as to them may seem expedient; to have and use a common seal, and the same to break; alter or renew at pleasure.

Vacancy.

Sec. 3. *And be it further enacted*, That vacancies, which may occur in the board of trustees from any cause, shall be filled by a majority of the remaining trustees so appointed, and shall have all the powers vested in the trustees appointed by this act.

Vesting certain property.

Sec. 4. *And be it further enacted*, That the lots owned and buildings erected by the president and trustees of the Tuscaloosa Female Academy, in the town of Tuscaloosa, and now the property of the before named trustees, together with all other buildings they may erect, or grounds they may purchase, for the exclusive use of said female institution, shall be exempt from all taxation whatever. Approved, January 9, 1835.

To incorporate the town of Talladega,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all of that tract of land laid off into lots for the seat of justice for the county of Talladega, by authority of the act of the General Assembly, approved on the 18th day of December 1833, shall be called and known as the town of Talladega. Town of Talladega.

Sec. 2. *And be it further enacted,* That on the second Monday in February next, or as soon thereafter as the persons hereinafter mentioned shall designate, notice being given of the same, an election by ballot shall be held for five councillors, at some convenient place in said town, and that all free white persons of the age of twenty-one years and upwards, who have resided therein for one month next preceding such election, or who shall be a landholder, or householder in said town, shall be entitled to vote for said councillors, and when the election shall be closed, and the councillors shall be qualified, they shall proceed to elect one of their own body intendant, whose duty it shall be to 'preside and preserve order at all meetings of the council, and the persons so elected' shall continue in office for twelve months, and until their successors are duly qualified and that said election shall be annual. Elections how held.

Sec. 3. *And be it further enacted,* That the first election shall be held and conducted by James M. McCann, James R. Bracken, Charles Miller, Francis Mitchell and James W. Tallmadge, or a majority of them, who shall give ten days notice of the time and place of holding said election, by advertising the same at three or more public places in said town; and all future elections shall be managed by such persons, not exceeding five in number, as the intendant and council shall annually appoint, who shall give the like notice of the time and place of holding the same; and the intendant and council respectively, shall, before entering on the duties of his or their office, take the following oath, before some justice of the peace for Talladega county; "I do solemnly swear, (or affirm as the case may be,) that I will equally and impartially perform all the duties required of me by the act incorporating the town of Talladega, so help me God." Managers of elections.

Sec. 4. *And be it further enacted,* That the intendant and council are hereby declared to be a body corporate, by the name of the town council of Talladega," and by that name shall be capable of suing and being sued, pleading and being impleaded, in all manner of suits either in law or equity; and to have a common seal, and the same to alter at pleasure; and may purchase, have, hold, possess, receive, enjoy, or retain in perpetuity, or for any term of years, any estate real or personal, Oath of.

Incorporation

not exceeding twenty thousand dollars, and may sell or release the same.

Vacancy how
filled.

Sec. 5. *And be it further enacted*, That if the intendant die, resign, be removed from office or absent, the council shall fill such vacancy by an appointment pro tem or otherwise, and vacancies in the council shall be filled by an election by the citizens of said town, and a majority of the council shall be a quorum to do business.

Council, pow-
ers of.

Sec. 6. *And be it further enacted*, That the council shall have power to pass all such orders, bye-laws and ordinances, respecting the spring and lot, streets, sidewalks, alleys, public squares, markets, buildings, pleasure carriages, wagons, drays, and police of said town, that shall be necessary to the security and welfare of the inhabitants thereof, and for preserving health, peace, order, and good government within the same, and to assess a tax upon the inhabitants thereof, not exceeding one half of the amount of the State-tax, which is paid for property of the same kind; they shall have power to prevent and remove nuisances, to appoint patrols and define their duties, to affix fines for offences against their bye-laws and ordinances, not exceeding fifty dollars for each and every offence, to be recovered before the intendant or any member of the council, for the use and benefit of the town; to assess a tax upon licenses to retailers of spirituous or other liquors and billiard tables kept for use in said town, not exceeding on the former ten dollars, and on the latter the sum of fifty dollars, in any one year; and to levy a tax upon shows, caravans and public exhibitions, not exceeding twenty dollars: they shall have power to confine any person or persons for a time not exceeding six hours, who shall incur any penalty or forfeiture inflicted by any of the ordinances of said corporation, passed conformably to the powers vested in them by this act.

Election of
officers.

Sec. 7. *And be it further enacted*, That annually, and at the same time of holding the elections for the councillors aforesaid, and by the same qualified voters, there shall also be elected, in the same manner, a constable, a clerk, a treasurer, and an assessor and collector of taxes for said town, who shall each hold his office for twelve months, ann until his successor shall be duly qualified, and who shall each respectively, before entering upon the duties of his office, take the oath prescribed in a foregoing section of this act; the salaries and fees of which officers, respectively shall be fixed and their duties defined by the council; and each and every treasurer, and collector of taxes, elected by virtue of this act, before entering on the duties of his office, shall enter into bond with security, to be approved by the council of said town, and payable to the town council of Talladega and their successors in office, in a sum for the year 1835, of five hundred dollars, and for each year thereafter, a sum in double

the amount of the taxes for the preceding year, conditioned for the faithful performance of the duties of his office; and all vacancies occurring by the death, resignation, or removal of any of the officers mentioned in this act, shall be filled as in case of vacancies occurring in the council, and the council shall have power to appoint a clerk pro tem in case of his absence at any meeting of the board.

Sec. 8. *And be it further enacted*, That the intendant and each and every one of the council shall be vested with all the powers and authorities, that justices of the peace are vested with by the laws of this State; and shall and may exercise the same within the limits of said town, but in matters of debt only, where the town council shall be a party, subject nevertheless, to an appeal to the circuit court of the county of Talladega, as in cases of appeals from decisions of justices of the peace.

Sec. 9. *And be it further enacted*, That if the intendant or any member of the council, or the constable, or clerk, shall be guilty of any mal-practices, or wilful neglect in office, he shall forfeit and pay a sum not exceeding fifty dollars, for every such wilful neglect or mal-practice, to be recovered by any person suing for the same, in any court having cognizance thereof, one half to the person suing for the same, and the other half to the use of said town. Penalty.

Sec. 10. *And be it further enacted*, That the intendant and council shall have no power to assess a tax on land, which shall not have been laid off and sold, or on any property belonging to the United States or to this State, or property belonging to any seminary of learning, church, or any religious society; they shall have no power to make any bye-laws or ordinances, repugnant to the laws of this State; and this act and all the bye laws and ordinances, shall be subject to revision or repeal by the General Assembly. Exemption.

Sec. 11. *And be it further enacted*, That in case at any time the intendant and council shall fail to hold elections under this charter, it may be the duty of the citizens of said town, three in number or more, to advertise an election for officers and a council, and other officers so elected, shall be deemed and held equally legal and valid, as if they were elected according to the foregoing provisions of this act; *Provided, however*, That nothing in this act shall be so construed, as to exempt the citizens of said corporation from working on the public roads of said county.

Approved, January 9, 1835.

[No. 100.]

— — — — —
AN ACT

To amend an act entitled an act to incorporate the Madison Turnpike Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That said company shall construct said road on the

May deviate
from route.
Repeal.

sites of those now in use, so far as they may deem expedient, but may deviate therefrom should they think fit for the purpose of straitening said road; the said road shall be laid out thirty feet wide, eighteen feet of which shall be bedded with earth or some other approved material, used in the construction of McAdamised roads, so as to secure a solid foundation; it shall be faced with gravel or broken stone of a depth not less than nine inches, in such a manner as to secure a firm and even surface, rising in the middle by a gradual arch, to be protected on the sides by ditches so constructed as to permit, when practicable, carriages to turn off said road; all the culverts and bridges on said road shall be of stone, the bridges to be secured by substantial railing on the sides: *Provided*, that the said road shall be twenty-one feet wide, to the distance of one mile from the corporate limits of the town of Huntsville, made in the manner herein directed.

Sec. 2. *And be it further enacted*, That the fifth section of an act entitled an act to incorporate the Madison Turnpike Company, approved January 14, 1834, be, and the same is hereby repealed: *And provided further*, that the rate of toll for man and horse, shall be equal in every case, without regard to residence.

Approved, January 9, 1835.

No. 101]

AN ACT

For the support of paupers in the county of Morgan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue for the county of Morgan be, and they are authorized, whenever they or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land not exceeding one hundred and sixty acres, which title shall be made to the judge of the county court and his successors in office, and shall vest in, and be the property of the county in which it lies.

Judge county
court may pur-
chase land for
use of county.

Sec. 2. *And be it further enacted*, That said judge and commissioners are authorized to contract for the building of all necessary houses, for the purpose hereinafter mentioned, and every thing else that is necessary to be done, the expenses of which shall be paid out of the county treasury of the county; and such place shall be denominated the poor house.

Contract for
buildings how
made.

Paupers how
taken care of.

Sec. 3. *And be it further enacted*; That whenever it shall appear to the county court, that a person is a subject for public charity and support, he, she or they may, if there be a poor house in their county, order such person to be conveyed, to the poor house of the county, there to be taken care of and supported at public expense; and said court is authorised to employ

some suitable person to superintend and take care of all the poor of the county.

Sec. 4. *And be it further enacted*, That it shall be the duty of the judge and commissioners, to meet at the poor house, at least once in three months or oftener, if they, or a majority of them, think it necessary, the time of such meeting to be appointed by them; (need not be periodical;) they shall examine the situation of the paupers, and the conduct of the person employed to take care of them; and shall have power to dismiss such person at pleasure, and they shall have power to make such rules and regulations, as to them may seem proper.

Examination
into condition
of, and power
to dismiss.

Sec. 5. *And be it further enacted*; That at the first court to be holden by the judge and commissioners, (after they shall come to such determination.) they shall appoint two persons in each captain's beat, who shall act as overseer of the poor, whose duty it shall be to report to each county commissioners court, what persons are within the limits of their beat, proper subjects for public support, whereupon, the court shall inquire into the fact of the case, and order them to be conveyed to the poor house; and when vacancies occur by death or otherwise, they shall be filled by the judge and commissioners.

Overseers of
the poor, ap-
pointment of.

Sec. 6. *And be it further enacted*; That the judge of the county court shall take bond and good security from the person employed to superintend the poor, conditioned for the faithful performance of his duty, in such penalty as he may require, which shall not be void on the first recovery, but may be sued on as often as the judge and commissioners shall be of opinion that the conditions have been violated; and the judge and commissioners shall have power, from time to time, to make such rules and regulations for the support of the poor, at the poor house, as to them may seem to comport with their comfort, and the economy of the funds of the county.

Vacancies
how filled.

Keeper of the
poor house to
give bond.

Approved, January 9, 1835.

[No. 102.]

AN ACT

To authorize Pleasant May Sen. to erect a toll bridge across Prairie creek near its mouth and for other purposes-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Pleasant May Sen. is nereby authorized to erect and build a toll bridge across big prairie creek in the county of Greene at the most eligible place, within three miles of the mouth of said creek: *Provided*, it shall be on his own land.

Sec. 2. *And be it further enacted*, That the property of the aforesaid bridge, when built, shall be, and the same is hereby vested in the said Pleasant May Sen., his heirs and assigns forever, and he is hereby authorized to demand and receive, on

Toll, amount
of.

the completion of said bridge, at a gate to be erected at the said Pleasant May Sen's own house, and across the road leading to said bridge, toll according to the following rates, to-wit: for each and every four wheel pleasure carriage, fifty cents; for each two wheel pleasure carriage, thirty-seven and one half cents; for each cart, and other two wheel carriage, twenty-five cents; for man and horse twelve and one half cents; for each lead or loose horse or mule, six and a quarter cents; for every foot passenger six and a quarter cents; for every head of cattle three cents; for each head of sheep or goats two cents; and for each head of hogs one cent.

Liability.

Sec. 3. *And be it further enacted*, That it shall be the duty of the said Pleasant May Sen., his heirs, representatives or assigns, to keep said bridge, when completed, in good order and repair, as long as he or they may think proper to continue the same and receive toll; and he, the said Pleasant May Sen., his heirs and assigns, shall be held liable for all injuries which may be sustained by any person or persons passing or repassing said bridge: *Provided*, said injury results from the negligence or want of proper attention to the good order and repairs of said bridge.

Not to impede
navigation.

Sec. 4. *And be it further enacted*, That the said bridge shall be so construed, as in no wise to impede the free passage and navigation of the said prairie creek, under the penalty of having the same removed as a nuisance, by order of any court having competent jurisdiction thereof.

To keep road
in good order.

Sec. 5. *And be it further enacted*; That the said Pleasant May Sen. shall keep the said road in good order from the said gate to the bridge.

Approved, January 9, 1835.

[No. 103.]

AN ACT

To provide for the payment of Jurors in the county of Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the successful party in each suit, determined by a jury in the circuit or county court of Pike county, shall pay the sum of two dollars on such suit, which shall be equally divided among the jury trying the same.

Sec. 2. *And be it further enacted*, That the sum of two dollars, on each suit so determined, shall be taxed by the clerk of each of the courts on the execution, and the same shall be collected as part of the costs on each case.

Sec. 3. *And be it further enacted*, That the sums hereby allowed shall be in lieu of the payment now allowed by law to the jurors of said county of Pike.

Approved, January 9, 1835.

[No. 104.]

AN ACT

To authorize Thomas A. Smith and his associates to erect a wharf on the Black Warrior river, opposite the town of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas A. Smith and his associates be, and they are hereby authorized to erect a wharf on the Black Warrior river, opposite the town of Tuscaloosa, and that they be authorized to collect, demand and receive of and from the owners or consignors of all goods which shall be landed from the Black Warrior river, and from the owners or captains of steam boats, barges, flats or rafts which shall lay at said wharf, as they shall direct or appoint, not exceeding the following rates: for each bale of cotton eight cents, each bushel of grain or salt two cents; each barrel five cents; each hogshead or pipe twenty cents; each thousand feet of lumber seventy-five cents; all boxes, packages and merchandize, usually charged by measurement, Toll. at the rate of one cent per foot; and for all steamboats, barges, flats or rafts, to receive and collect a sum not exceeding two dollars per day, for each day they may remain at said wharf: *Provided,* That nothing in this act shall be so construed, as to prevent the legislature from altering and amending the above rates of wharfage, upon the petition of one hundred or more petitioners resident in the county of Tuscaloosa, notice of such petition having been served upon said Thomas A. Smith and his associates, twenty days before the same shall be presented to the General Assembly.

Approved, January 9, 1835.

[No. 105]

AN ACT

Providing a salary for the judge of the county court of Marengo, in lieu of the fees now prescribed by law for his official services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in lieu of the fees provided by law for the official services of judges of the county courts, a permanent annual salary of five hundred dollars is hereby established and allowed for the judge of the county court of Marengo, to be paid judge. Salary of on or before the first Monday in December, in each and every year, out of such funds in the treasury of said county, as shall be hereinafter provided.

Sec. 2. *And be it further enacted,* That the fees receivable for official services by the judge of the county court of Marengo, shall be taxed as heretofore, and paid into the county treasury, which as far as they go, shall constitute a portion of the fund, provided for the payment of his salary. Fees, how paid.

Sec. 3. *And be it further enacted,* That the commissioners of roads and revenue are hereby authorized and required, Special tax. at the time when the county tax is levied, to levy such special

tax upon the taxable property of the citizens of the county of Marengo, to be assessed and collected in such proportions and manner, as other taxes may be assessed and collected, as will be sufficient, in conjunction with the fees herein directed to be paid into the treasury of said county for the payment of the salary established by this act.

Approved, January 9, 1835.

[No. 106]

AN ACT

For the relief of James M. Lenoir, Executor of George W. Pitts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James M. Lenoir, executor of George W. Pitts deceased, be, and he is hereby released from the payment of the ten per cent damages which have accrued for the taking of writs of error in the cases of John Murphy, Governor, against the said James M. Lenoir, executor as aforesaid, which suits were founded on two notes given by Charles Bass, and to which said George W. Pitts was one of the securities of said Charles Bass.

Release from
ten per cent
damages.

Day of pay
ment.

Sec. 2. *And be it further enacted,* That a further day of payment be, and the same is hereby given to the said James M. Lenoir, executor as aforesaid, until the first day of January 1836, upon his giving bond and security to be approved by the clerk of the circuit court of Dallas county, in double the amount of principal and interest due on the cases aforesaid; payable to John Gayle, Governor, and his successors in office, conditioned to pay the amount of said principal and interest, on or before the said first day of January 1836, which said bond shall have the force and effect of a judgment, should said principal and interest not be punctually paid and execution may issue thereon, and the said bond shall, if given on or before the first day of March next, be in total and entire satisfaction of the judgments in the cases of John Murphy, Governor of the State of Alabama, against the said James M. Lenoir, executor as aforesaid, in the circuit court of Dallas county, and all damages which have or may accrue thereon, and all further proceedings on said judgments, either in the circuit court aforesaid, or in the Supreme Court of this State shall be, and the same are hereby stayed and stopped, until the said first day of March next, any law or usage to the contrary notwithstanding.

Approved, January 9, 1835.

[No 107.]

AN ACT

To authorize the judge of the county court and commissioners of roads and revenue for the county of Bibb, to levy a special tax for building a jail in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commission.

ers of roads and revenue of the county of Bibb, be, and they are hereby authorized and empowered to assess an additional tax from year to year, on the persons and property of the citizens of the county of Bibb, such an amount as they may think necessary for building a jail in the town of Centreville in said county: *Provided*, the amount so assessed shall not exceed half of the amount of the State tax in any one year.

Sec. 2. *And be it further enacted*, That the amount of taxes so assessed, shall be collected by the assessor and tax collector for said county, in the same manner and for the same fees as other county taxes is collected, and when so collected, shall be paid over by said collector to the commissioners of public buildings in said county annually.

Sec. 3. *And be it further enacted*, That the commissioners of public buildings in said county, be, and they are hereby authorized to contract in such manner as they may deem proper for the erection of said jail, and they are hereby further authorized to loan at interest any money that is so collected and paid over to them for the purpose of building said jail in said county of Bibb: *Provided*, the person to whom said money is loaned, with two good and sufficient securities, each worth double the sum loaned; shall before the judge of the county court confess judgment for the amount loaned, and interest thereon with a stay of execution for such sum as may be agreed upon; *Provided, also*, that such stay shall not be for a longer time than six months.

Sec. 4. *And be it further enacted*, That the tax collector for Bibb county, before he enters on the discharge of his duties, as provided for in this act, give bond and approved security, payable to the judge of the county court and his successors in office, for the faithful performance of his duty in such sum as said judge may think proper.

Approved, January 9, 1835.

[No. 108]

AN ACT

Requiring of the solicitor of the fourth judicial circuit of this State to perform certain duties therein named.

WHEREAS, the office of the circuit court of Marion county, has for the last two or three terms, been in such a state of derangement, as to entirely defeat the progress of the court of said county, and to the great detriment of the interests of the citizens of said county. Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the solicitor of the fourth judicial circuit of this State, (and he is hereby strictly enjoined so to do,) to enforce in all cases, the obligations of the bond or bonds of the circuit court clerks for the county of Marion, wherein the clerk or clerks have failed to have performed in each particular, the con-

dition of their bonds, or the performance of those duties required of them by law. Approved, January 9, 1835.

[No. 109.]

AN ACT

To repeal in part an act entitled "an act amendatory to the several acts concerning witnesses, approved January 3d, 1832.

Exemption.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the above recited act, so far as the same relates to the county of Greene, be, and the same is hereby repealed.

Mode of issuing subpoenas

Sec. 2. *And be it further enacted,* That hereafter whenever a subpoena shall have issued for any witness or witnesses, in any cause, either civil or criminal, depending in either the county or circuit court of Greene county, or whenever any witness or witnesses shall have been subpoenaed or summoned to attend either of said courts to give evidence in any cause depending therein, it shall and is hereby made the duty of the clerk of the court out of which any such subpoena shall have been issued, or to which any such witness or witnesses from term to term shall have been subpoenaed or summoned to attend, to continue to issue subpoenas for every such witness or witnesses, and to each and every term during the pendency of the cause in which any such subpoena shall have been issued, or witness or witnesses subpoenaed or summoned, unless otherwise ordered by the party, his agent or attorney: *Provided,* That nothing in this act shall be so construed as to require the issuance of subpoenas for any witness or witnesses, who have heretofore under the present law, been subpoenaed or summoned to attend the circuit court of Greene county, to give evidence in any cause depending therein, before the next term of said court.

Approved, January 9, 1835.

[No. 110]

AN ACT

For dividing the seventy-second regiment, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the seventy-second regiment of the militia of this State shall be divided and compose two regiments.

Line of division.

Sec. 2. *And be it further enacted,* That the line which divides the first and second battallion of the seventy-second regiment of militia shall be the dividing line between the seventy-second and seventy-fifth regiment of the militia of this State, and all that part of Benton county which lies west of the said battallion line, shall compose the seventy-second regiment; all that part of said county east of said line shall compose the seventy-fifth regiment of the militia of this State.

Sec. 3. *And be it further enacted,* That the brigadier gene-

ral commanding the above named regiments, shall organize the above named regiments in accordance to the militia laws now in force.

Sec. 4. *And be it further enacted*, That the commissioned officers of each of the above named regiments or a majority of them, shall have power to call a court martial for the purpose of dividing the above regiment into battallions and companies, and such battallions and companies shall be organized and officered in accordance to the militia laws now in force.

Approved, January 9, 1835.

[No. 111.]

AN ACT

To authorize Mary Gorden and Noflet Goodwin, guardians of Edward M. Portis, Benjamin P. Portius, Darius M. Portis and John W. Portis, to remove the personal estate of said minors from the county of Clarke to the county of Sumpter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Mary Gorden and Noflet Goodwin, guardians as aforesaid, be, and they are hereby authorized to remove the personal property of the said minors from the county of Clarke to the county of Sumpter. May remove property.

Sec. 2. *And be it further enacted*, That the clerk of the orphans' court of the county of Clarke be, and he is hereby required forthwith, after the passage of this act, to transmit a copy of the guardian bonds of the said Mary Gorden and Noflet Goodwin, to the clerk of the orphans' court of the county of Sumpter. Copy of bonds to be filed.

Sec. 3. *And be it further enacted*, That from and after the passage of this act and the receipt of the said guardian bonds by the clerk of the orphans' court of the county of Sumpter, the same proceedings shall be had on said guardian bonds as if the same had remained in the orphans' court of Clarke county.

Approved, January 9, 1835.

No. 112.]

AN ACT

To repeal in part an act approved January 17, 1834, to amend the road laws.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the fourth section of an act to amend the road laws, passed January 17, 1834, so far as it relates to the county of Madison and Limestone, and Lauderdale, be, and the same is hereby repealed.

Approved, January 9, 1835.

[No. 113.]

AN ACT

To amend an act entitled an act to incorporate the Cahawba Navigation Company, approved January 10th 1827, and an act supplementary thereto, approved January 29, 1829.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the powers which have been given by the

acts above specified to the commissioners at Cahawba, to open books for additional subscriptions to the stock of said company; and also open and hold elections for officers of said company, be, and they are hereby transferred to the commissioners appointed at Centreville in Bibb county.

Sec. 2. *And be it further enacted*, That hereafter the said corporation shall be governed by a president and four directors.

Approved, January 9, 1835.

[No. 114.]

AN ACT

Reducing the number of jurors to be drawn and summoned in future to attend the circuit court of Morgan county, and for other purposes.

Thirty-six jurors to be drawn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter there shall be drawn and summoned in the manner now prescribed by law, thirty-six jurors for each term of the circuit court of the county of Morgan and no more.

Compensation of.

Sec. 2. *And be it further enacted*, That jurors drawn and summoned to attend the circuit and county courts of the county of Morgan, shall receive one dollar and twenty-five cents per day each, and five cents for every mile they may travel, in coming to and returning from the same, any law to the contrary notwithstanding.

Approved, January 9, 1835.

[No. 115.]

AN ACT

Supplemental to an act to incorporate the Cahawba river Bridge Company.

turnpike road

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said company be authorized to lay out a turnpike road from the said bridge across the Cahawba river to intersect the road leading from Marion in Perry county, to Cahaba in Dallas county, at the place on said road known as Howell's, or within seven miles south thereof, and to intersect the road leading from Craig's ferry to Selma, at any point between Craig's ferry and Jeremiah Dunaways.

Sec. 2. *And be it further enacted*, That the location of said road shall be determined in the same manner and by the same persons appointed to select a scite for said bridge, and lay off a road to and from the same under the same restrictions as are prescribed in the ninth section of the act to which this is a supplement.

Approved, January 9, 1835.

No. 116]

AN ACT

To authorize the sheriff of Marion county to perform certain duties therein named

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the sheriff of Marion county shall be authorized to serve any process issued by justices of the peace: *Provided*, that said sheriff

shall perform said duties under the same restrictions and responsibilities that constables are required to perform said duties, and to give bond for the due performance as constables are now bound to do.

Approved, January 9, 1835.

[No. 93.]

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AN ACT

To incorporate the Florence and Waterloo Rail road Company.

Section 1. *Be it enacted b the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the persons who may become stockholders in the Florence and Waterloo Rail Road Company, according to the provisions of this act, shall be and are hereby created a corporation and body politic, by the name and style of the Florence and Waterloo Rail Road Company, and by that name shall be, and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and release, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature or quality to any amount, not exceeding one million of dollars, including the capital stock of said company, and the same to grant, demise, alien, sell or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of competent jurisdiction; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish, and put in execution such bye-laws, ordinances and resolutions, as they shall deem necessary and proper for the good government of said corporation, not being contrary to the constitution thereof, or to the constitution and laws of the United States, or of the State of Alabama; and generally to do and execute all and singular such acts, matters and things, which to them, as a body corporate, it shall or may appertain to do; subject, nevertheless, to the rules, restrictions, limitations and provisions, hereinafter provided.

Incorporation

Amount of stock.

Sec. 2. *And be it further enacted,* That Peter Saffrons, James Irwin, Robert Patton and A. D. Hunt, be, and they are hereby appointed commissioners, to receive subscriptions for the purpose of constructing a rail road from the town of Florence to the town of Waterloo in Lauderdale county, in this State; that it shall be the duty of said commissioners to open books for the subscription of stock, at the Eagle Hotel in said town of Florence, and at such other places as they may think proper, on the third day of March 1835, and to keep said books open until the sum of seventy-five thousand dollars are subscribed, and the subscribers shall pay to the commissioners at the time of subscribing, the sum of two dollars on each and every share of stock subscribed for, which the commissioners shall pay over to the president and directors to be chosen, in the manner hereinafter mentioned, so soon as they are elected.

Commissioners to open books.

Meeting of
stockholders.

Sec. 3. *And be it further enacted,* That when the sum of seventy-five thousand dollars shall be subscribed, it shall be the duty of the commissioners, to call a meeting of said stockholders, for the purpose of electing seven directors of said rail road company, in the manner hereinafter prescribed, and the said directors, when elected, shall take an oath, faithfully to discharge the duties of directors to said corporation, and shall continue in office until the first Monday in January thereafter, and until their successors shall be duly qualified.

Shares, trans-
fers of.

Sec. 4. *And be it further enacted,* That the stock of said corporation shall be divided into shares of one hundred dollars each, transferable by endorsement and entry thereof in the books of said corporation, and the holders thereof shall be entitled to all the benefits and subject to all the liabilities of an original stockholder.

How forfeited

Sec. 5. *And be it further enacted,* That if any subscriber of stock in said rail road company, shall fail to pay his instalments as required by said president and directors, they shall have the power to declare such shares forfeited to the company, and after giving thirty days public notice, to offer them for sale at public auction, for ready money, or so many of said shares as will be sufficient to pay the amount then due and called in; a sale thus made shall vest the purchaser with all the rights of an original stockholder, but shall not release such holder from the payment of the balance that may be due on his subscription, should the stock sold produce less than the whole amount subscribed therefor, and should the money called in be paid before a sale actually takes place, together with the costs incurred preparatory to said sale, it shall restore the stock to the original holder notwithstanding the forfeiture.

Directors.

Sec. 6. *And be it further enacted,* That for the purpose of managing the affairs of said corporation, there shall be seven directors, all of whom shall be stockholders, owning at least ten shares of stock each, who shall be annually elected at the town of Florence, on the first Monday in January in each and every year, by the qualified stockholders of the stock of said corporation, or in one month thereafter, and each stockholder shall have a right to vote by proxy, and be entitled to one vote for each and every share of stock subscribed, the instalments on which shall have been paid in such manner as the president and directors of said corporation may prescribe: *Provided,* that no one stockholder shall be entitled to more than one hundred votes, and the said board of directors, annually, at their first meeting after their election in each and every year, shall proceed to elect one of the directors to be president of the corporation, who shall hold the said office during the same period, for which the directors are elected as aforesaid.

Sec. 7. *And be it further enacted,* That the president and directors of the company hereby incorporated, after they shall have been organized, may open books to obtain further subscriptions of stock, at such places as they may think proper, and they may at their discretion continue to receive subscriptions for capital stock until the amount taken be equal to two hundred thousand dollars, when no further subscription of stock shall be received, unless the same be authorized by a majority of the stockholders at some annual meeting, and the amount of such increase of capital stock, shall be by them particularly designated.

Increase of
stock.

Sec. 8. *And be it further enacted,* That the said president and directors shall have power to construct and establish a rail road, commencing at any part of the town of Florence, and running thence to the town of Waterloo as aforesaid, and to make and perform all necessary contracts for erecting said road, and carrying on all other business of said corporation, and they shall have power to appoint all officers, and employ such agents as may be necessary for managing the affairs of said corporation, and the stockholders shall be individually liable, in proportion to their respective shares, for all contracts made, and all bonds bills and notes executed by the said president and directors, in the name of said corporation, whether the same be under seal or not.

Route.

Directors may
make con-
tracts.

Sec. 9. *And be it further enacted,* That the president and directors of said company shall have power to borrow money, contract debts, and be contracted with, upon the credit of the stock of said company, and to pledge personal and real estate for the payment of the debts of said corporation, and they shall have the power to require payment of the stock subscribed, in such instalments as they may deem for the interest of said company, and in case the said president and directors cannot agree with the owners of lands or materials required for said road, as to compensation therefor, or in case the owner thereof be an infant, non-resident or non compos mentes, then, and in that case, it shall be lawful for the president and directors, to apply to the judge of the county court in which such lands or materials may be, and on such application, it shall be the duty of the judge forthwith to issue his warrant under his hand and seal, directed to the sheriff of said county, commanding him to summons the owners of such lands or materials, if to be found in his county, and also to summon a jury of twelve disinterested freeholders, to appear before him at the place where the county courts of such county are by law holden, at a time not exceeding ten days from the issuance of said precept, whose duty it shall be to assess the value of the land or materials so required, and in the case of lands they shall, in the same assessment, assess the damages thereof the owner may sustain, by reason of the land being so taken for the use of the road; and in all assessments of value and damage under this act, the jury shall take into consideration the

Damages how
assessed.

advantages the defendant may derive from said road, and render their verdict accordingly; and it shall be the duty of the judge before whom the assessment is so made to make a record thereof, and return the same to the clerk of the circuit court for said county, and the said clerk shall enter the same as a cause on the trial docket of said court, at the term next succeeding the return thereof, and on motion, if no objection be made, the same shall be affirmed, and judgment thereof be entered as in other cases; and if said motion be resisted, and sufficient cause in law shewn for setting aside said assessment, then judgment thereof shall be entered, and the court shall forthwith order an issue to be made between the parties to try the same matter, and the parties shall proceed thereon *de novo*, and at the same term of the court, unless sufficient cause be shewn by either party for the continuance thereof, and the judgment of the circuit court when for the complainant, shall be that the lands in question, or the materials, as the case may be, is condemned to the use of the president, directors and company of the said rail road company, and that the said company shall pay to the defendant, such sum, together with costs, as may be found by the jury to be a reasonable and proper compensation, and the same shall become vested in said company so long as the said rail road shall be kept up, and in cases of final judgment in the circuit court, the party aggrieved shall be entitled to his writ of error as in other cases: *And be it further provided*, that the work shall in no ways be delayed, by any proceedings had in the premises, after the judge of the county court shall have returned to the clerk of the circuit court, the assessment of the jury by him convened, but the president and directors on tendering the sum so assessed to the owner, or depositing the amount for the use of the owner with the clerk of the said circuit court, may proceed with the work as upon final judgment in favor of said claim, and in case of tender as aforesaid, and acceptance thereof, such acceptance shall be considered as a release of all errors in the proceedings, and the circuit court shall, on suggestion, inquire thereof and give judgment accordingly.

Meetings.

Sec. 10. *And be it further enacted*, That the president and directors of said company shall have the power to call meetings of the stockholders at any time, and a majority of the stockholders in value, either in person or by proxy, shall have power to transact business, such meetings shall have power to remove the president and any of the directors, and appoint others in their stead, and in case of death, resignation, removal, or refusal to act, of the president or any director, a majority of the residue shall have power to fill vacancies in the board, until the next annual meeting of the stockholders, and shall have power to remove any officer, agent or servant.

Sec. 11. *And be it further enacted*, That the president

and directors and company, in surveying or locating the route of said road, shall not have the power to remove any dwelling house without the consent of the owner thereof; they shall not have the power to obstruct any highway, or to use the same, but shall provide suitable and convenient ways for crossing said road, they shall in no way exercise banking privileges, and they shall begin the work within three years, and complete it within ten years or forfeit the charter hereby granted.

Shall not exercise banking powers.

Sec. 12. *And be it further enacted*, That the president and directors of said company shall, at the annual meetings of the stockholders, which shall convene on the first Monday in January in each year in the town of Florence, exhibit a statement of the affairs of the company, for the information of the stockholders, and such annual meetings shall be composed of the stockholders owning at least a majority of the stock in value, represented either by the stockholders in person, or their proxies, and such stockholders owning a majority of the stock in value, shall have the same power as the whole of the stockholders, to transact the business of the company, and at all meetings of the stockholders, a majority of the votes given in, according to the rule prescribed in the sixth section of this act shall govern.

Sec. 13. *And be it further enacted*, That the president and directors shall annually or semi-annually, declare and make dividends of the profits accruing to the said company, after deducting therefrom such sums as they may think sufficient, for the current and contingent expenses of the company, and they shall divide the same among the proprietors of the stock, in proportion to their respective shares.

Dividends,

Sec. 14. *And be it further enacted*, That the president and directors of said company shall have the power for and in behalf of said company, to enter into contracts with any person, company or corporation, for uniting the said road with any other road that may be constructed, or for making a joint stock with any other rail road company, or for the transportation of goods or produce to any point beyond the limits of said road.

may unite roads.

Sec. 15. *And be it further enacted*, That the said road with all works, improvements and machinery of transportation used on said road, are hereby vested in the company, who shall have the same right to sue and recover for any trespass or injury done to the same, as is provided by law to individuals in like cases, but the State hereby reserves the right to purchase said rail road at the value of the stock thereof, with all cars and machinery thereto, belonging at the end of fifty years from the date hereof, or at the expiration of every ten years thereafter.

Toll.

Sec. 16. *And be it further enacted*, That after the completion of said road or any part thereof, the said president and directors may lay and collect toll from all persons and on all

goods, merchandize, or other commodities transported thereon, *Provided*, the toll shall not amount to more than twenty-five per cent. per annum of profit upon the amount invested in said road, and necessary appendages.

Sec. 17. *And be it further enacted*, That the stock shall be deemed personal property.

Sec. 18. *And be it further enacted*, That nothing in this charter contained shall preclude the right of the State of Alabama, hereafter to excavate a canal through any land whatever between Florence and Waterloo to overcome the obstructions in the Tennessee river between those points.

Approved, January 10, 1835.

[No. 118]

AN ACT

To incorporate the town of Gainesville in the county of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all that tract of land beginning at low water mark on the west side of the Tombeckbee river, at a point opposite to the upper point of the Ferry island and from thence running southly, in a right line to the school house, from thence ruening easterly to Fulsaw's branch, so as to include the improvements of William J. Steele and Mrs. McKnight, from thence along the said Fulsaw's branch to its mouth and thence with the Tombeckbee river at low water mark, to the beginning of the above boundary, all of the above specified land shall hereafter be known and called by the name of the town of Gainesville.

Sec. 2. *And be it further enacted*, That on the first Monday in March next, the citizens of said town shall or may elect five councillors and one constable by ballot, at some convenient place in said town, and all free white males of the age of twenty one years and upwards, shall have a right to vote at said election: *Provided*, They shall be citizens of said town at the time of said election, the constable so elected shall be, and he is hereby authorized to perform all the duties required of the constables; in said county under the same rules and regulations which govern constables in the discharge of their duties, and shall be liable to the same penalties of other constables for mal-practices in office, which said constable shall, before he enters upon the discharge of his duties, enter into bond with approved security as now provided by law; and the said constable, in addition to the duties required of him in said incorporation, may execute all manner of precepts issuing from justices of the peace of said county of Sumter. And the said councillors and constable so elected as herein required, shall continue in office till their successors are duly elected and qualified, and it shall be the duty of the said councillors immediately after they shall have been

elected, to elect one from their own body intendant, whose duty it shall be to preside at all meetings of the said council, and preserve good order and decorum.

Sec. 3. *And be it further enacted*, That the first election shall be held and conducted by William J. Steele, C. C. Scott, Joel C. Whitsett, John B. Cobbard, John A. Powell, or a majority of them, who shall give at least ten days notice of such election by advertisement in two or more public places in said town, all further elections shall be holden by such persons as the intendant and council may annually appoint, not more than five nor less than three, who shall give the like notice as is required under the provisions of this act.

Sec. 4. *And be it further enacted*, That it shall be the duty of the intendant and council respectively, before they enter upon the discharge of their respective duties require, under the provisions of this act, to take the following oath before some justice of the peace of the courts of Sumter: I do solemnly swear, or affirm as the case may be, that I will equally and impartially perform all the duties required of me in the act incorporating the town of Gainesville, so help me God.

Sec. 5. *And be it further enacted*, That the intendant and council are hereby declared to be a body corporate, by the name of the intendant and town council of the town of Gainesville, and by that name they and their successors shall be capable of suing and being sued, plead and be impleaded, in all manner of suits either in law or equity, and to have a common seal, and the same to alter at pleasure, and may purchase, have, hold, possess, receive and enjoy, or retain in perpetuity, or for any term of years, estate real or personal, not exceeding in value five thousand dollars, and may sell or lease the same.

Sec. 6. *And be it further enacted*, That if the intendant should die, resign, or be removed from office, or his office become otherwise vacated, the council shall fill such vacancy by an appointment pro tempore, and vacancies in the council shall be filled by the intendant and remaining council or a majority of them shall be a quorum to transact business.

Sec. 7. *And be it further enacted*, That the intendant and council shall have power to pass all such orders, bye-laws and ordinances respecting the streets, market buildings, pleasure carriages, wagons, carts, drays and police of said town, that shall be necessary for the security and welfare of the inhabitants thereof, and for preserving health, peace, order and good government within the said town, and to assess a tax on the inhabitants thereof, not exceeding one third of the amount of the State tax, which is paid for property of the same kind, they shall have power to prevent and remove nuisances of every description, to appoint patrols and define their duties, to affix fines against any person or persons violating their bye-laws or ordi-

nances, not exceeding ten dollars for each offence, to be recovered before the intendant or any member of the council, for the use and benefit of the said town; (to assess a tax on licenses to retailers of spirituous liquors and billiard tables kept for use in said town, not exceeding on the former ten dollars, and on the latter fifty dollars in any one year;) they may have power to appoint a clerk and treasurer, assessor and tax collector; and define their respective duties and affix their salaries, to confine any person or persons for a time, not exceeding six hours, who shall incur any penalty or forfeiture, inflicted by any of the ordinances of said incorporation, passed in conformity to the powers vested in the said intendant and town council by this act.

Sec. 8. *And be it further enacted*, That the intendant and each and every of the council shall be vested with all the powers and authorities that justices of the peace are vested with under the laws of this State, and may exercise the same within the limits of said incorporation, but in matters of debt only where the intendant and town council shall be a party subject, nevertheless to an appeal to the circuit court of the county of Sumter, as in cases of appeals from justices of the peace.

Sec. 9. *And be it further enacted*, That the intendant and council shall have no power to assess a tax on any lands, which have not been laid off into town lots, or any property of the United States, or this State; or property belonging to any seminary of learning, church, or religious society; they shall have no power to tax the improvements on any lot or lots for the term of one year from the passage of this act, to make any bye-laws, or orders, repugnant to the laws of this State, and this act, and all the bye-laws and ordinances, shall be subject to revisal or repeal by the general assembly.

Sec. 10. *And be it further enacted*, That if the intendant or any member of the council shall be guilty of any malpractice in office, he shall forfeit and pay a sum not exceeding two hundred dollars, for every such wilful neglect or malpractice to be recovered, by any person suing for the same in any court having cognizance of the same, one half to the informer, and the other half to be paid into the county treasury of the county of Sumter.

Sec. 11. *And be it further enacted*, That in case at any time the intendant and council should fail to hold elections under this charter, it may be lawful for the citizens of said town, three or more in number, to advertise an election for officers, and the council and constable so elected shall be deemed and held equally legal and value, as if they were elected according to the foregoing provisions of this act; all elections required under the provisions of this act, shall be holden on the first Monday in March, in each and every year.

Approved, January 10, 1835.

[No. 119.]

AN ACT

To incorporate a Company to build a Toll Bridge and Causeway on the Sipsey River and Swamp, on the direction to Columbus from Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a stock company shall be established in the town of Tuscaloosa, for the purpose of building a toll bridge and causeway across the Sipsey river and swamp in the county of Tuscaloosa, the capital stock of which shall not exceed fifteen thousand dollars, divided into shares of one hundred dollars each. Stock,
amount of.

Sec. 2. *And be it further enacted,* That subscriptions towards constituting said stock company shall be opened in the town of Tuscaloosa on the first Monday in March next under the superintendence of Robert Jamison, Junr., S. G. Stone, Obadiah Mayfield, John Springer and Daniel Hargroves, or a majority of them, and remain open at least two days, at each time of opening said books, or until a sum sufficient, in their opinion, shall be subscribed to build said bridge and causeway; ten dollars on each share to be paid at the time of subscribing, and the residue in instalments of five or ten dollars, as the work progresses, by a call of the president and directors. Superinten-
dants of stock
Subscription
Book.

Sec. 3. *And be it further enacted,* That the subscribers to said stock company, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the Sipsey Bridge and Causeway Company, and by that name shall be and are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing, depending in any court of law or equity, and also to make and use a common seal and the same to break, alter or renew at pleasure, and also to make, ordain, establish, put in execution such bye-laws, ordinances and regulations, as they may deem necessary for the government of said company. Incorporation
with powers.

Sec. 4. *And be it further enacted,* That for the management of said company, the stockholders shall annually on the first Monday in January in each and every year, elect five directors by the qualified stockholders of said company, and by a plurality of votes then and there actually given, one vote for every share of one hundred dollars, and the directors so duly elected shall be capable of serving by virtue of said choice until the annual election; and the board of directors annually at their first meeting, after their election, shall proceed to elect one of the directors to be president of the said corporation, who shall hold his office for one year, or until his successors shall be appointed: *Provided,* that all vacancies, by resignation or otherwise, the board shall have power to fill such vacancies from any stockholder. Directors, e-
lection of.

Sec. 5. *And be it further enacted,* That as soon as a suffi- President.

Vacancy, how
filled.

Election.

cient sum is subscribed, notice thereof shall be given in one or more newspapers printed in the town of Tuscaloosa, and they shall at the same time notify a time and place for holding the first election, and shall hold the same by giving at least ten days notice thereof.

Property vested 20 years.

Sec. 6. *And be it further enacted*, That the property of the aforesaid bridge and causeway, when built, shall be and is hereby vested in said corporation for the term of twenty years, and they shall and may demand and receive on the completion of said bridge and causeway, toll according to the following rates, to wit: for every four wheeled carriage or wagon, fifty cents; for all two wheeled carriages, twenty five cents; for man and horse, twelve and one half cents; for each loose or lee horse six and one fourth cents; for each head of cattle, two cents; for each head of sheep or hogs, one cent.

Corporation liable for injuries,

Sec. 8. *And be it further enacted*, That it shall be the duty of said corporation to keep said bridge and causeway in good repair (when completed,) as long as they may think proper to receive toll, they shall be held bound for all injuries which may be sustained by any person in passing said bridge and causeway: *Provided*, said injury must proceed from the negligence of the keeper, or want of proper repairs to the same.

Duty of president and directors.

Sec. 9. *And be it further enacted*, That it shall be the duty of the president and directors, or a majority of them to select a site for said bridge and causeway, and also to make a road leading to and from the same, and apply to the commissioners of roads and revenue for a jury to assess the damages, if any shall be claimed, for lands the road may pass through, whose duty it shall be to appoint a jury as herein directed, and as soon as the damage shall be paid by said company, to order the road to be opened under the same rules and restrictions as other public highways, and which road shall be of the first grade, until it shall intersect the other road.

Jury to assess damages.

Commissioners, their duty

Sec. 10. *And be it further enacted*, That the county court in and for the county of Tuscaloosa shall be and they are hereby authorized, whenever it may, in the opinion of the judge thereof be deemed necessary, to appoint suitable commissioners to inspect the situation of the said bridge and causeway, and if a majority of them shall report the same not to be in good repair and fit for passengers, the court shall have power to suspend the collection of toll, until said bridge and causeway shall be put in a good condition.

Toll gates.

Sec. 11. *And be it further enacted*, That whensoever the bridge across the main river, and the sloughs or lagoons, shall be completed, the said company may erect the toll gate and receive toll, but shall, nevertheless, continue the erecting of the causeway, which shall be completed, in at least one year after said gate is erected.

Sec. 12. *And be it further enacted*, To avoid all misunderstanding as to the kind of bridge and causeway which this act intends to establish and allow toll for. *Therefore, be it further enacted*, That said bridge and causeway be completed above high water mark, with sufficient openings for the water in high tide to pass under the causeways or bridges, over sloughs and lagoons, and that said causeway shall be of the width which belongs to the first grade of roads.

Sec. 13. *And be it further enacted*, That all persons going to or returning from church, mills and musters, be exempted from paying tolls as other persons. Exemption.

Sec. 14. *And be it further enacted*, That should any toll be collected, when the bridge and causeway shall have been pronounced out of order by the county court, for each violation, the said company shall be liable to a fine of twenty dollars, to be collected by any justice of the peace, one half to the informer, and the other half to the county of Tuscaloosa.

Approved, January 10, 1835.

[No. 120.]

AN ACT

To amend an act entitled an act, to amend the several laws in relation to the compensation of Petit Jurors in the counties of Henry and Dale, approved January 13th, 1831.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the successful party, in all suits tried by a jury in the county of Henry, shall be required to pay to the jury trying the same, the sum of three dollars before the verdict of said jury shall be admitted to record, which sum shall be taxed in, and composed a part of the bill of costs of said suit. Pay of jurors

Sec. 2. *And be it further enacted*, That hereafter in all suits instituted in the circuit or county courts of the county of Henry aforesaid and which are not tried by a jury, it shall be the duty of the clerk to tax in the bill of costs the sum of one dollar and fifty cents, which shall be collected with other costs and of the party against whom the same may be adjudged in all criminal prosecutions where the defendant may be convicted, the same sum of one dollar and fifty cents shall be taxed and collected on each case from the defendant or defendants so convicted, and it shall be the duty of the officer collecting the same, forthwith to pay over the same to the county treasurer of said county, whose duty it shall be to keep said fund distinct from all other monies in his hands as county treasurer, and to apply the same solely to the payment of grand jurors of said county. Taxes on bill of costs.
how collected

Sec. 3. *And be it further enacted*, That the several amounts collected by either the clerk or sheriff of the county of Henry by virtue of the act to which this is an amendment, and not disposed of as directed by said act, shall be paid by the officer Grand Jurors, pay of.

Repeal,

holding the same, to the county treasurer of said county, to be applied to the payment of grand jurors in the same manner as provided for by the second section of this act.

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the true intent and meaning of this act, be, and the same is hereby repealed.

Approved, January 10, 1835.

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[No 121.]

AN ACT

To repeal in part a certain act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of an act entitled an act to declare certain water courses in Talladega county public highways, approved January 12, 1833, as declares Talladega creek from its mouth to the mouth of Jumper's spring branch a public highway, be, and the same is hereby repealed.

Approved, January 10, 1835.

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[No. 122]

AN ACT

For the relief of Ausburn R. Coker and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of fifty dollars be, and the same is hereby appropriated for the payment of Ausburn R. Coker, sheriff of Coosa county, to be paid out of any money in the treasury not otherwise appropriated, for the retaking (Sternasagec) commonly called Davy, a Creek Indian, and bringing him to justice.

Sec. 2. *And be it further enacted*, That the comptroller be, and he is hereby authorized to issue his warrant to the following persons for the following sums, to wit; to Augustin Linch, for thirty-six dollars and eighty-eight cents; to A. R. Thomas, for thirty-five dollars; to John O. Cummins, for eight dollars eighteen and three fourth cents, to D. Woodruff, for thirty-one dollars eighty-seven and a half cents.

Approved, January 10, 1835

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[No. 123]

AN ACT

For the relief of Christina Colina.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Christina Colina, at present of the county of Greene, be, and she is hereby authorized to commence and prosecute a suit in chancery for a divorce from her husband John Leon Colina, without having resided in, or been an inhabitant of this State for three years immediately preceeding the commencement of said suit or otherwise; and said suit may be commenced in any court of this State having jurisdiction thereof.

Approved, January 10, 1835.

[No. 124.]

AN ACT

To authorize the building of a court house in the county of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue of Madison county, and their successors in office, be, and they are hereby authorized, whenever they may deem it expedient, after the first day of January one thousand eight hundred and thirty-six, to levy and collect a special tax, not in any one year to exceed fifty per cent on the State tax, and to continue the same from year to year, until the fund arising thereby, shall be sufficient to defray all the expenses incurred in building a court house in the town of Huntsville: *Provided,* that the amount to be raised shall not exceed in the whole, the sum of ten thousand dollars.

Sec. 2. *And be it further enacted,* That the judge and commissioners aforesaid, be, and they are hereby authorized to contract in such manner as they may deem proper for the erection of said court house. Approved, January 10, 1835.

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[No. 125.]

AN ACT

To divorce Charlotte Dillard from her husband George Dillard.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the circuit court of Madison county exercising chancery jurisdiction, the bonds of matrimony, heretofore solemnized and subsisting between Charlotte Dillard and George Dillard, be dissolved, and that the said Charlotte Dillard be henceforth divorced from the said George Dillard. Approved, January 10, 1835.

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[No. 126.]

AN ACT

To divorce Barbary Lightfoot from her husband Bartholomew Lightfoot.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the circuit court of Tuscaloosa county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Barbary Lightfoot and Bartholomew Lightfoot, be dissolved, and that the said Barbary Lightfoot be henceforth divorced from the said Bartholomew Lightfoot.

Approved, January 10, 1835.

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[No. 127.]

AN ACT

To incorporate the Greensborough Hotel Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Robert C. Randolph, William S. Harrison, James K. Patten, and Robert B. Beverley, with their associates and successors in office, for the purpose of establishing, keeping

and conducting a public inn or hotel, in the town of Greensborough, in the county of Greene, be, and they are hereby constituted and declared to be a body politic and corporate, in deed and in law, by the name and style of the Greensborough Hotel Company, by which name they and their successors are made capable of suing and being sued, of pleading and being impleaded, of answering and defending and of being answered unto and defended against, in any court or law or equity in this State or elsewhere, as natural persons are or may be; of taking, purchasing, receiving and holding any real or personal estate, of what nature or kind soever, for the purpose of enabling them to carry into effect the objects and purposes of this act, and of selling, leasing, alienating, conveying and disposing of the same at pleasure; of having and using a common seal, and of altering it when they please; of adopting and passing all such bye-laws and ordinances that may be necessary and proper for the good government and management of the business and affairs of the same company; and the same to repeal, modify or change whenever they shall think expedient to do so; and generally of exercising and performing all such powers, privileges and acts, as are usually incident to bodies corporate and politic.

Sec. 2. *And be it further enacted*, That the capital stock of said company, which shall never exceed the sum of thirty thousand dollars, shall be divided into shares of one hundred dollars each; and every person taking or subscribing for stock in said company, shall pay over to the person or persons hereby authorized to receive subscriptions of stock, at the time of taking or subscribing therefor, the sum of ten dollars on each share taken or subscribed for.

Sec. 3. *And be it further enacted*, That books for the subscription of stock in said company, shall and may be opened at the town of Greensborough and any other places, under the superintendence of the said Robert C. Randolph, William Harrison, James K. Patten, and Samuel S. Webb, and Robert B. Beverley or either of them, and may be continued or reopened as they shall think proper, until the whole capital stock of said company shall be taken or subscribed for: *Provided*, ten days previous notice shall be given of the opening or reopening of said books, by advertisement to be set up at the post office, and at least two other public places in the town of Greensborough.

Sec. 4. *And be it further enacted*, That so soon as the sum of ten thousand dollars of the capital stock shall be taken and subscribed for, the persons heretofore named shall hold a meeting, and proceed to organize themselves into a board of directors (one of whom shall be chosen president,) by taking and subscribing an oath, before some justice of the peace, faithfully

to discharge their duties as such directors, and to observe and support the charter of said company; which oath shall be deposited in the office of the clerk of the county court of Greene, and a certified copy under the seal of said court, shall be filed in the archives of said company; the board shall have and appoint such subordinate officers and agents, and in such way, as they may think proper to provide.

Sec. 5. *And be it further enacted*, That an election shall be held, annually, by the stockholders of said company, at such time as the board of president and directors may appoint, for five directors, one of whom shall be elected president of the board, who shall serve for one year and until their successors shall be qualified. All directors elected shall be qualified as herein before provided; the stockholders in every such election may vote in person or by proxy, and in case of vacancy in the office of president and director, the same shall be filled by the remainder of the board.

Sec. 6. *And be it further enacted*, That each stockholder in said company shall be liable for the debts of said company, to the amount of the stock therein.

Sec. 7. *And be it further enacted*, That the board of president and directors shall provide such mode of enforcing the payment of the stock or any instalment thereof, as they may deem best and most conducive to the interest of said company.

Sec. 8. *And be it further enacted*, That it shall be the duty of the president and directors to report to the annual meeting of the stockholders, a full and particular statement and exhibit of the affairs, business and proceedings of said company, for the preceding year, after all the buildings shall be completed, and the establishment put in operation, the president and directors shall annually or semi-annually, at such times as they may appoint, declare and pay over to the stockholders respectively, the dividends that shall or may have accrued on each share of the capital stock of said company.

Approved, January 10, 1835.

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AN ACT

No. 128]

To divide Sumter county into two regiments.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the county of Sumter shall be divided into two regiments, by the town-
 ship line running from the Tombeckbee river to the Mississippi
 line, dividing the townships eighteen and nineteen, and the
 regiment north of said line shall be designated and numbered
 the sixty-fourth regiment, and the regiment south of said line
 shall be designated and numbered the seventy-sixth regiment.

Line of dis-
sion.

Sec. 2. *And be it further enacted*, That the officers residing

Duty of colonel and other officers.

in the sixty-fourth regiment shall forthwith after the passage of this act, divide the regiment into two battallions; the first of which shall be commanded by the lieutenant colonel and the second by the major; and the said lieutenant colonel and major shall as soon as practicable divide their respective battallions into convenient captain company beats, and order elections for such officers as are required under the militia laws of this State to command the said beats.

Election.

Sec. 3. *And be it further enacted*, That it shall be the duty of the brigadier general of the third division and sixth brigade, to issue his writ of election immediately after the passage of this act to the sheriff of Sumter county, commanding and requesting him to hold an election for colonel commandant, lieutenant colonel and major, to command the seventy-sixth regiment; which said election shall in all respects be conducted and managed as provided in an act entitled an act to provide for the further organization of the county of Sumter, approved on the second day of December, 1833.

Battallions.

Sec. 4. *And be it further enacted*, That it shall be the duty of the colonel commandant, lieutenant colonel and major, immediately after they are elected, to divide the said regiment into two battallions; which said battallions shall be commanded as herein before provided, and the said lieutenant and major shall as soon as convenient lay off their respective battallions into convenient captain company beats, and order elections for such officers as are required under the provisions of an act entitled an act to provide for the further organization of the county of Sumter, approved on the second day of December, 1833, to command such beats as may be created under the provisions of this act.

Beats.

Commissions.

Sec. 5. *And be it further enacted*, That the officers elected under the provisions of this act shall in all respects be commissioned as other military officers of this State, and the said officers shall in all respects conform to the rules and regulations as prescribed in the militia laws of this State.

Approved, January 10, 1835.

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No. 129.]

AN ACT

To prevent the passing of droves of neat cattle through the counties of Jackson, Blount, St. Clair, Talladega, Randolph and Benton between the first of May and October of each and every year, except under certain restrictions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of May next, it shall not be lawful for the owners or drivers of any drove or droves of neat cattle to pass through the counties of Benton, Jackson, Blount, St. Clair, Talladega and Randolph between the time above stated and the first of October of each and every year except under the restrictions and terms hereinafter, in this

act prescribed, to wit: that the said owner or driver of such drove or droves, shall first apply to some six or more respectable free holders of such counties to inspect such drove or droves to see if they are free of disease and can safely pass through said counties without endangering the cattle of the neighborhoods through which they may pass.

Board of health.

Sec. 2. *And be it further enacted*, That if the said free-holders shall believe it safe for the drove or droves so to pass, they shall give the said owner or driver of said drove or droves a certificate under which they shall be permitted to proceed with such drove or droves through said counties.

Certificate from board.

Sec. 3. *And be it further enacted*, That if the said free holders as aforesaid on inspection, shall refuse to give such certificate as aforesaid, or if said owner or driver of such drove or droves, shall attempt to pass through the county aforesaid without obtaining the certificate in this act mentioned, he or they so doing shall forfeit the sum of fifty dollars, recoverable before any justice of the peace of said county, half of which shall go to the use of the county and half to the informer.

Penalty. for neglect.

Sec. 4. *And be it further enacted*, That the provisions of this act shall not be so construed as to affect the citizens of this State in removing from one section of the State to any other.

Approved, January 10, 1835.

[No. 130]

AN ACT

To change and alter a part of the State road within the county of Conecuh.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the State road in Conecuh county be so changed and altered as to run from the house of John Gear to intersect the federal road at Walker's old store.

Approved, January 10, 1835.

[No. 131.]

AN ACT

To divorce Caroline Barnes from her husband John Barnes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity to the decree of the circuit court of Perry county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Caroline Barnes and John Barnes be dissolved, and that the said Caroline Barnes be henceforth divorced from the said John Barnes.

Approved, January 10, 1835.

[No. 132.]

AN ACT

For the government of company beat elections in the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act that all elections which may hereafter be holden in any company beat

in the county of Pickens for officers whose elections are confined to the beat in which they live, the polls for said elections shall be opened at ten o'clock in the morning and closed at two in the evening, any law, usage or custom to the contrary notwithstanding.

Approved, January 10, 1835.

[No. 133.]

AN ACT

To be entitled an act to divide the fourteenth regiment of Alabama Militia in the County of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fourteenth regiment of Alabama militia in the county of Blount, shall be divided, and compose two regiments, and the regiment so formed, shall compose the seventy-seventh regiment of Alabama militia.

77th Regt.

Colonel's
duty.

Sec. 2. *And be it further enacted,* That it shall be the duty of the colonel commanding the fourteenth regiment, to convene the commissioned officers of said regiment for the purpose of making such division as contemplated by this act, provided he shall give twenty days notice of the time and place where said court martial shall convene; which notice shall be given through the adjutant of his regiment, and it shall require a majority of all the commissioned officers of the militia in the county of Blount, to fix and establish the lines of said regiments.

Duty of pre-
siding officer.

Sec. 3. *And be it further enacted,* That it shall be the duty of the officer presiding at said court, to forward to the brigadier general, commanding the twelfth brigade, a report of the new regiment so formed, and its number.

Sec. 4. *And be it further enacted,* That it shall be the duty of the brigadier general to order an election for a colonel to command the new regiment so formed, by the court martial, in accordance with the militia laws now in force.

Sec. 5. *And be it further enacted,* That it shall be the duty of the officers of the fourteenth and seventy-seventh regiments, to convene the commissioned officers, or a majority of them, giving at least twenty days notice of the time and place, for the purpose of dividing the above named regiment into battalions and companies, in accordance with the militia laws now in force.

Approved, January, 10, 1835.

[No. 134.]

AN ACT

To amend the act incorporating the Athens Rail Road Company, approved January 14, 1834.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the president and directors of the Athens rail road company, shall have the right to extend said road from the town of Athens to the Tennessee line, in the direction to Elkton, in the State of Tennessee, under the same rules and regulations prescribed in the act incorporating said rail road company.

Sec. 2. And be it further enacted, That the president and directors of said rail road company, shall have the right to open books for an increased subscription to the stock of said rail road, for the sum of one hundred thousand dollars, at such times and places as they may think proper, giving at least thirty days notice of the time and place of doing the same.

Sec. 3. And be it further enacted, That said company shall commence said road in five years, and complete the same in ten years, or forfeit their charter.

Sec. 4. And be it further enacted, That the said president and directors of said rail road company, shall have the right to continue said rail road on the south side of the Tennessee river, until it intersects the Tuscumbia, Courtland and Decatur rail road, at any point on said road between Courtland and Decatur, as they shall deem most expedient. *Provided,* that a sufficient amount of stock shall have been subscribed to complete the same, payable in such instalments, as said president and directors may from time to time call for, under the charter to which this is an amendment.

Approved, January 10, 1835.

[No. 135.]

AN ACT

Authorizing George P. Wright, a free man of color, to keep a grist mill on the west side of the Tombeckbee river.

WHEREAS, the said George P. Wright has erected a floating grist mill on the west side of the Tombeckbee river, between the town of Gainesville, Sumter county, and the mouth of the Oak Noxabue river; and the said Wright having the said mill in complete operation. Therefore,

Preamble.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, the said George P. Wright is hereby authorized to keep in operation the said mill at the said point aforesaid.

Enacting clause.

Sec. 2. And be it further enacted, That if the said mill should obstruct the navigation of the said Tombeckbee river in any manner whatever, it shall at all times be subject to be removed as a public nuisance.

Not obstruct navigation.

Sec. 3. And be it further enacted, That no person or persons shall be permitted to erect any mill or mills of the like character on said Tombeckbee river, within less than five miles of the one herein granted.

Privileges.

Sec. 4. And be it further enacted, That all laws or parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Repealing clause.

Approved, January 10, 1835.

[No. 136.]

AN ACT

For the relief of the heirs and legal representatives of John Byler, deceased.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the provisions of an act entitled an act to estab-

Renewal and
extension of
charter.

lish a public road therein named, passed December 16th, 1819, be, and the same are hereby revived, together with all acts amendatory thereto, and the said charter is extended for the further term of ten years, from and after the expiration of the term of the present charter.

Vested in the
representa-
tives.

Sec. 2. *And be it further enacted*, That all the rights, privileges, liabilities and restrictions granted and imposed by said act, and the several acts amendatory thereto, be, and they are hereby vested in the heirs and legal representatives of John Byler deceased, for the said term of ten years, with the right to charge the same toll, and emoluments that were authorized to be charged by the acts aforesaid.

Repealing
clause.

Sec. 3. *And be it further enacted*, That all laws, and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed. Approved, January 10, 1835.

[No. 137]

AN ACT

To repeal an act for the improvement of a road therein named, approved the 13th of January, 1826, and for other purposes.

Preamble.

WHEREAS, the Federal road running from the town of Montgomery to the town of Blakely, becomes the county line between the counties of Conecuh and Monroe, and passes through a very poor and thinly inhabited country, and that neither of said counties have made any provisions to have that part of said road kept up for the last three years.

Road laid off
in precincts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the said road as above stated, is laid off into six precincts, as follows: beginning at the western boundary of the county of Butler, thence to the big Sepulga creek, shall form the first precinct; from the big Sepulga creek to Murder creek, shall form the second precinct; from Murder creek to Burnt Corn creek, shall form the third precinct; from the Burnt Corn creek to the little Escambia creek, shall form the fourth precinct; from the little Escambia creek to the big Escambia creek, shall form the fifth precinct; and from the big Escambia creek to the eastern boundary line of Baldwin county, shall form the sixth precinct.

Overseers.

Sec. 2. *And be it further enacted*, That William Roberts be appointed overseer of the first precinct, James Henderson be appointed overseer of the second precinct, Robert B. Sims be appointed overseer of the third precinct, Hector McMillan be appointed overseer of the fourth precinct, Flavie Foster be appointed overseer of the fifth precinct, and that Daniel Gillespie be appointed overseer of the sixth precinct.

Who liable to
work said
road.

Sec. 3. *And be it further enacted*, That all persons liable to work on the road living within one mile of the first precinct, shall not be liable to work upon any other road, and all persons liable to work on roads, and living within three miles of their

respective precincts, shall not be liable to work on any other road than the one pointed out by this act.

Exemption.

Sec. 4. *And be it further enacted*, That it shall hereafter be the duty of the judges of the county court, and commissioners of roads and revenue of the counties of Cónecuh and Monroe, to fill all vacancies which may accrue by death, resignation, or renewal of either of the above named overseers, on information being given to the county court, when such vacancy may happen.

Vacancy of
overseers,
how filled.

Sec. 5. *And be it further enacted*, That if any overseer so appointed by this act, shall refuse or neglect faithfully to discharge the duties assigned him, he shall forfeit and pay a sum not more than thirty, nor less than ten dollars, on complaint being made to any justice of the peace in the county where such defaulter may reside, and such justice of the peace will proceed against such overseer, as in case of debt, to hear and determine upon such excuses as may be made, and in his opinion shall either discharge such overseer, or award judgment and execution against his goods and chattels, lands and tenements, and when such sum is made it shall be the duty of the justice of the peace to pay over the money thus made to the judge of the county court of his county, to be applied, as other fines and forfeitures, as pointed out by the road laws of this State.

Penalty of
defaulting
overseer.

Sec. 6. *And be it further enacted*, That all persons liable to work on said road according to the provisions of this act, who shall refuse or neglect to appear and work as directed by their overseer, shall forfeit and pay a sum, not more than three dollars, nor less than one dollar, to be recovered as other debts; *Provided*, the overseer shall within five days after the working of said road, give notice to some justice of the peace in the county where such defaulter may reside, and it shall be the duty of such justice to give ten days notice of the time and place, where he will hear and determine all excuses, and if he should think it not sufficient, he will proceed to render judgment, and issue execution against such defaulters goods and chattels, lands and tenements, and when the money is made, he will pay over the same to the judge of the county court, to be applied as other fines and forfeitures, as is pointed out by the road laws of this State; *Provided*, the overseer shall give three days notice of such time and place to commence the work; *Provided also*, that no person shall be compelled to work more than ten days in any one year.

Penalty of
defaulting
hands.

Sec. 7. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed; *Provided*, the provisions of this act shall extend only one mile on the south side of said road in the third precinct.

Repealing
clause.

Approved, January 10, 1835.

To incorporate the town of Livingston, the county seite of Sumter county.

Corporation,
limits of.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the location made by the commissioners approved and authorized to locate the county seite of the county of Sumter be, and the same is hereby ratified and confirmed, and the same hereby permanently located, and all that tract of land laid off into town lots and the two fractions of land lying north of said tract of land so laid off into town lots, and also the fraction lying north-west of the tract laid off as aforesaid, shall hereafter be called and known by the name of the town of Livingston.

Election of
officers

Sec. 2. *And be it further enacted,* That on the first Monday in March in each and every year, from and after the passage of this act, the citizens of said town shall or may elect four councillors, one intendant and one constable for said town by ballot, at some convenient place in said town, and all free white males of the age of twenty-one years and upward,, being citizens of said town at the time of such elections, shall have a right to vote for such officers as herein before mentioned; the intendant councillors and constable so elected, shall continue in office till their successors are duly elected and qualified, and it shall be the duty of said intendant to preside at all meetings of the council and preserve good order and decorum.

Managers of
elections

Sec. 3. *And be it further enacted,* That the first election shall be held and conducted by Philip S. Glover, Tristem B. Thomas, Alfred Browning, John A. Thompson, and Cleveland Robbs, or a majority of them, who shall give at least ten days notice of such election by advertisement in two or more public places in said town, all future elections shall be held and conducted by such persons as may be appointed by the intendant and council, not more than five nor less than three, who shall give the like notice as is required under the provisions of this act.

Oath.

Sec. 1. *And be it further enacted,* That it shall be the duty of the intendant and council respectively, before they enter upon the discharge of their respective duties required, in the provisions of this act, to take the following oath before some justice of the peace of the county of Sumter: I do solemnly swear, or affirm as the case may be, that I will equally and impartially perform all the duties required of me in the act incorporating the town of Livingston, so help me God.

Sec. 5. *And be it further enacted,* That the intendant and council are hereby declared to be a body corporate, by the name of the intendant and town council of the town of Livingston, and by that name they and their successors shall be capable of suing and being sued, plead and be impleaded, in all manner of suits either in law or equity, and to have a common seal, and the same to alter at pleasure, and may purchase, have, hold,

possess, receive and enjoy, or retain in perpetuity, or for any term of years, estate real or personal, not exceeding in value ten thousand dollars, and may sell or lease the same. Incorporation

Sec. 6. *And be it further enacted,* That if the intendant die, resign, or be removed from office, or his office become otherwise vacated, the council shall fill such vacancy by an appointment pro tempore or otherwise, and vacancies in the council shall and may be filled by the intendant and remaining councillors or a majority of them shall be a quorum to transact business. Vacancy, how filled.

Sec. 7. *And be it further enacted,* That the intendant and council shall have power to pass all such orders, bye-laws and ordinances respecting the street or streets, market buildings, pleasure carriages, wagons, carts, drays and police of said town, that shall be necessary for the security and welfare of the inhabitants thereof, and for preserving health, peace, order and good government within the said town, and to assess a tax on the inhabitants thereof, not exceeding one third of the amount of the State tax, which is paid for property of the same kind, they shall have power to prevent and remove nuisances of every description, to appoint patrols and define their duties, to affix fines against persons violating their bye-laws or ordinances, not exceeding twenty dollars for each offence; to be recovered before the intendant or any member of the council, for the use and benefit of the said town; to assess a tax on licenses to retailers of spirituous liquors and billiard tables kept for use in said town, not exceeding on the former ten dollars, and on the latter fifty dollars in any one year; they may have power to appoint a clerk and treasurer, assessor and tax collector for said town, to affix the salaries and fees of each officer respectively, and define their duties, to confine any person or persons for a time, not exceeding six hours, who shall incur any penalty or forfeiture, inflicted by any of the ordinances of said incorporation, passed in conformity to the provisions of this act, and the power vested in said intendant and council. Ordinances and bye-laws.
Duty and fees of officers.

Sec. 8. *And be it further enacted,* That the intendant and each and every of the council shall be vested with all the powers and authorities that justices of the peace are vested with by the laws of this State, and may exercise the same within the limits of said incorporation, but in matters of debt only where the intendant and town council shall be a party, subject, nevertheless to an appeal to the circuit court of the county of Sumter, as in cases of appeals from justices of the peace. Powers of incorporation.

Sec. 9. *And be it further enacted,* That the intendant and council shall have no power to assess a tax on lands, which have not been laid off into town lots, by the commissioners, or any property belonging to any seminary of learning, church or religious society; they shall have no power to tax the im- Exemption.

provements on any lot or lots for the term of one year from the passage of this act, or to make any bye-laws, repugnant to the laws of this State, or of this act, and all bye-laws and ordinances, shall be subject to revisal and repeal by the General Assembly.

Liability.

Sec. 10. *And be it further enacted*, That if the intendant or any member of the council shall be guilty of any malpractice in office, he shall forfeit and pay a sum not exceeding two hundred dollars, for every such wilful neglect or malpractice to be recovered, by any person suing for the same in any court having cognizance of the same, one half to the informer, and the other half to be paid over into the county treasury of the county of Sumter.

Elections.

Sec. 11. *And be it further enacted*, That in case at any time the intendant and council should fail or refuse to order elections under this charter, it may be lawful for any of the citizens residing in said town, three or more in number, to advertise an election for officers, and the intendant and council so elected shall be deemed and held equally legal and valid, as if they were elected according to the foregoing provisions of this act.

Exemption.

Sec. 12. *And be it further enacted*, That all citizens residing within the limits of said incorporation, shall be, and they are hereby exempted from working on any public road or roads during the continuance of this incorporation, the said citizens of said town shall at all times be subject to work on the streets of said town, under the regulations of the intendant and town council of Livingston, any law to the contrary notwithstanding.

Approved, January 10, 1835.

[No. 139.]

AN ACT

To authorize James Hambleton and Samuel H. Neil to open and turnpike a road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Hamblinton and James H. Neil be, and they are hereby authorized to open and turnpike a road, to commence at the most eligible point on Wolf creek in the county of St. Clair, thence running in a northwestern direction to the nearest and best route to Col. James Hambleton's on Cain creek; thence the nearest and best route, to intersect the State road leading from Selma to Asheville, in the county of St. Clair, running on the north east side of James Godwin's plantation, and intersect the aforesaid State road, near the house of said Godwin, about one half mile north-east of the aforesaid James H. Neils'.

Sec. 2. *And be it further enacted*, That the aforesaid road shall be opened of sufficient width, and cleared of every obstruction, that is practicable to be removed, and all sloping ground and banks of water courses, shall be so worked on, as

to admit the easy and safe passage of all kinds of carriages, and all marshes and swamps shall be causewayed of good and durable materials, the road to be cleared at least fifteen feet wide, twelve feet of which shall be grubbed and all stumps removed or made level with the ground; all causeways shall be twelve feet wide, and all water courses either bridged or made so that passengers may travel along said road with safety at all seasons.

Sec. 3. *And be it further enacted*, That when the said James Hambleton and James H. Neil have completed said road, and reported the same to the judge of the county court of St. Clair county, it shall be the duty of said judge to appoint three suitable persons, who shall take an oath faithfully to examine and truly to report the situation of said road to said court, as required by this act, two of whom shall be competent to act, to examine said road, and report their opinions to the said judge, and the said commissioners shall receive for their services, such compensation as the said judge shall deem reasonable. to be paid by the said James Hambleton and James H. Neil.

Sec. 4. *And be it further enacted*, That should the commissioners to be appointed under the third section of this act, report that the said road has been opened and in good order, then and in that case, the said James Hambleton and James H. Neil, are hereby authorized to erect a gate on said road, at such place as said Hambleton and Neil may think proper, and may demand and receive of and from every person passing through said gate, the following toll to-wit: for every four wheel carriage drawn by more than two horses, mules or oxen, 75 cents; for every four wheel carriage drawn by two horses, mules or oxen, 50 cents; for every four wheel carriage drawn by one horse, mule or ox, 25 cents; for every two wheel carriage, 25 cents; for every man and horse, the sum of twelve and one half cents; for every loose or led horse or mule, six and one fourth cents; for every head of cattle, two cents; for every head of sheep, goats or hogs, one cent; and if any person shall pass around said gate, with intent to avoid the payment of toll, he, she or they, for every such offence, shall forfeit and pay to said James Hambleton and James Neil, four times the amount of the toll they should have paid, to be recovered before any justice of the peace with lawful cost thereon.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the county court of St. Clair county, on application being made, on which he can rely, to direct the commissioners mentioned in the third section of this act, or any two of them, who shall proceed to examine the condition of the said road, and report the same to the said judge, and in case the commissioners should report the said road not in good order, then and in that case, it shall be the duty of said judge to issue a no-

tice to the aforesaid James Hambleton and James H. Neil, directing the aforesaid gate to be thrown open, and no toll shall be received, under the penalty of twenty-five dollars for each offence until said road shall be reported in a good and sufficient condition as aforesaid; and the above Hambleton and Neil are required to commence said road within one year from the passage of this act, and shall complete the same within four years thereafter, or forfeit the grant for the same: and shall have all the profits arising from the toll of the same for the term of fifteen years.

Sec. 6. *And be it further enacted*, That all persons residing within the county of St. Clair, who may reside within five miles of the aforesaid road, shall be permitted to pass the same at all times, without paying any toll whatever.

Approved, January 10, 1835.

[No. 140.]

AN ACT

To revive and amend an act, entitled an act. to incorporate the trustees of the Greenville Academy, in Butler county, approved December 8th, 1826.

Preamble.

WHEREAS, the trustees of the Greenville Academy, appointed and incorporated by the act to which this is an amendment, have ceased to act as such, without having appointed or, elected successors.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel J. Wright, Hubel Pierce, Thomas Raborn, Simeon Demmon, Senr., James G. Tigner, Francis A. Wheeler, Samuel Oliver, Samuel Payne, Milton Parmer, Robert Read and William Grayden, their associates and their successors, be, and they are hereby constituted a body corporate by the name and style of the trustees of the Greenville Academy; and by that name shall have power to sue and be sued, to plead and be impleaded, to receive donations to hold real estate to the value of ten thousand dollars, and to call on the former president, treasurer and secretary, appointed by the former trustees of the Greenville Academy to deliver and hand over all monies, notes and accounts, that they may have in their hands belonging to the Greenville Academy, and in case of a non-compliance, the trustees herein named may proceed in whatever way they may think best, to secure the rights of the institution, and in general to do and perform all other acts for the benefit of the institution which are incident to, and usually exercised by such bodies corporate, which are not contrary to the constitution of the United States or this State.

Duty and power of board of trustees.

Revival.

Sec. 2. *And be it further enacted*, That the second and third sections of that act, to which this is an amendment, be, and the same is hereby revived, and the trustees hereby appointed, shall possess all the rights, powers and privileges, granted to the trustees of said academy, appointed by the act to which this is an amendment.

Approved, January 10, 1835.

[No. 141.]

AN ACT

To be entitled an act to change the time of holding the county court of Fayette county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the county courts of Fayette county, for the trial of civil causes, shall be holden on the third Monday in February and August, in each and every year, and continue one week, should the business require it.

Sec. 2. *And be it further enacted,* That all writs and other process which have issued, or may hereafter be issued, returnable to said court on the third Monday in January, 1835, shall be deemed in law returnable to said court on the third Monday in February next. Approved, January 10, 1835.

[No. 142]

AN ACT

For the relief of Gabriel Moore.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases where it may be necessary for Gabriel Moore, Michael J. Kenon and T. Jefferson Jones to take or subscribe the oath or oaths contemplated by the laws of this State against duelling, that the same be confined in point of time, to the first day of December, in the year of our Lord one thousand eight hundred and thirty-four.

Approved, January 10, 1835.

[No. 143]

AN ACT

For the benefit of Champion Easter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the right to establish and keep a ferry, with all the rights and privileges thereunto appertaining, across Elk river in the county of Limestone, at a place heretofore known as Easter's or Jones' ferry, on the road leading from Athens in Limestone county to Pulaski in Tennessee, is hereby granted to Champion Easter, subject to the court of commissioners of roads and revenue of Limestone county, common as to all rights and privileges, as in other cases. Approved, January 10, 1835.

[No. 144.]

AN ACT

For the payment of a certain sum of money therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of seven dollars and eighty cents, be, and the same is hereby appropriated to Frederick Meyers, to be paid out of any money in the treasury not otherwise appropriated, that being the amount overpaid by the agent of said Meyers as his taxes for 1834.

Approved, January 10, 1835.

[No 145.]

AN ACT

Organizing the seventy-sixth regiment of the militia of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county of Chambers shall form the seventy-sixth regiment of the militia of the State of Alabama, and the sheriff of said county be, and he is hereby authorized to organize said regiment as now provided for by law.

Approved, January 10, 1835.

[No. 146.]

AN ACT

For the payment of the claims of Jonathan L. Owens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of one hundred and forty-eight dollars and forty cents, be, and the same is hereby appropriated for the payment of Jonathan L. Owens, late sheriff of Morgan county, for furnishing provisions for persons confined in the jail of Morgan county, and for moving persons by order of court.

Approved, January 10, 1835.

[No. 147.]

AN ACT

To revive and amend an act, entitled an act, to incorporate the trustees of Oak Grove Academy of Perry county, approved 12th of January, 1828.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act approved January 12th, 1828, entitled an act, to incorporate the trustees of Oak Grove Academy of Perry county, be, and the same is hereby revived.

Sec. 2. *And be it further enacted,* That James L. Goree, L. Q. C. de Yampert, William Scott, James Y. Wallace, W. Moore, Alfred Moore, A. M. Griffin and Caswell Reynolds, be, and they are hereby appointed trustees of said Academy.

Approved, January 10, 1835.

[No. 148.]

AN ACT

Authorizing the election of an assessor of taxes for Dallas county and for other purposes therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be lawful for the qualified voters of the county of Dallas annually to elect an assessor of taxes of said county.

Sec. 2. *And be it further enacted,* That the annual election for said assessor of taxes, shall be holden on the first Monday in August in each and every year, in the same manner and at the same places that the election for collector of taxes is now held, and it shall be the duty of the sheriff of said county to certify the result of such election to the judge of the county court of Dallas county, from whom a commission immediately issue to the person elected.

Sec. 3. *And be it further enacted,* That the said assessor so elected shall between the month of February and the month of July, in each and every year, make an assessment of every person and species of property liable to taxation, and make a return of the same to the judge of the county court, as early as possible thereafter.

Duty of
assessor.

Sec. 4. *And be it further enacted,* That the said assessor for said county shall be furnished a list of all persons liable to pay tax in each company beat, by one or both of the justices of the peace in each beat, and if there be no justices of the peace in any one or more of the beats, it shall then be lawful for said assessor to appoint two fit persons to make out a list of all persons liable by law to pay tax and return a list to said assessor by the first day of March in each and every year, for which the justices or other persons so appointed shall receive the sum of two dollars, to be paid by the tax collector of said county out of the money collected as taxes.

Justices to
make list of
persons liable
to pay tax.

Compensa-
tion.

Sec. 5. *And be it further enacted,* That if the justices of the peace, or other persons so appointed, shall fail to make out and return a certified list of all persons in their beat liable by law to pay tax, they shall forfeit and pay the sum of twenty dollars for said neglect, to be recoverable before any justice of the peace in said county, one half to the use of the informer, and the other half to the use of the county.

Liability on
failure of jus-
tices.

Sec. 6. *And be it further enacted,* That it shall be the duty of said assessor, to attend two days at the muster ground in each company beat in said county, and at least, there shall be a space of twenty days between the first and second day, and on the second day, second assessor shall be required by this act to leave a written list stuck up at said muster ground, of all persons in said beat as delinquents in said beat, and that they are required to give in a list of their taxable property by the fifteenth day of June, or be double taxed for said neglect.

Assessment,
how made.

List of defaul-
ters.

Sec. 7. *And be it further enacted,* That if any person should fail or refuse to give in a list of his property subject by law to taxation from the first day of March until the twentieth day of June in each and every year, the tax assessor shall be required by virtue of this act in such refusal or neglect to levy on said delinquents property a double tax, as near as can be ascertained; and in no event shall said delinquent be released except by filing his affidavit in the hands of the tax collector, that he, she or they were absent from the said county from the said first day of March until the twentieth day of June thereafter, and in that event alone, shall the tax be reduced to the proper amount of taxation.

Penalty on
default.

Sec. 8. *And be it further enacted,* That the said assessor shall receive for his services six per cent on the aggregate amount assessed to be paid by the collector out of the first moneys

Six per cent
allowed
assessor.

Assessments
to be deliver-
ed to tax col-
lector.

Taxes.
Six per cent
allowed tax
collector.

Repealing
clause.

Registering
of names and
duties of as-
sessor.

Duty of
collector.

by him collected, and to be accounted for by him to the comp-
troller of public accounts, as expended by virtue of this act.

Sec. 9. *And be it further enacted*, That the judge of the
county court, as soon as the annual assessment is returned to
him by said assessor, shall place the same in the hands of the col-
lector of taxes for said county for collection.

Sec. 10. *And be it further enacted*, That the collector of
taxes for Dallas county shall proceed to the collection of the
same according to such assessment, as is now required by law,
and shall be entitled to receive for his services, out of the mo-
neys so collected, six per cent on the amount collected.

Sec. 11. *And be it further enacted*, That the said collec-
tor shall, in all other respects, be governed by the laws now in
force in relation to tax collectors, and that all laws, contraven-
ing the provisions of this act, be, and the same are hereby re-
pealed.

Sec. 12. *And be it further enacted*, That the assessor shall
be required by virtue of this act, to register in his book, in al-
phabetical order, the names of all persons in each company beat,
and to attend the spring term of the circuit court, for to assess
the taxes of said county.

Sec. 13. *And be it further enacted*, That the tax collector
shall attend the fall term of the circuit court, for the purpose of
collecting the taxes of said county.

Approved, January 10, 1835.

[No. 149]

AN ACT

To be entitled an act to require the commissioners of the sixteenth sections here-
after to be sold in the counties of Barbour, Russell, Chambers, Tallapoosa and
Macon to draw the notes payable at the Branch Bank of the State of Alabama
at Montgomery.

Duty of com-
missioners.

Section 1. *Be it enacted by the Senate and House of Re-
presentatives of the State of Alabama in General Assembly
convened*, That it shall hereafter be the duty of the commis-
sioners of the sixteenth sections in the counties of Barbour, Rus-
sell, Chambers, Tallapoosa and Macon, to draw the notes given
for sixteenth sections, or parts of sections, payable to the presi-
dent and directors of the branch bank at Montgomery, in lieu
of the State bank at Tuscaloosa, and take the certificate of the
school commissioners accordingly.

Amount how
loaned.

Sec. 2. *And be it further enacted*, That the funds arising
from the sales of the aforesaid lands shall be vested in the stock
of said branch bank, and shall be loaned to the citizens of the
several townships from which they may have arisen, and shall
be retained for that purpose until the fifteenth of February in
each and every year.

Sec. 3. *And be it further enacted*, That after the fifteenth
of February, in each and every year, the directors of the afore-
said branch bank shall dispose of the above named funds, as
other funds of said branch bank.

Sec. 4. *And be it further enacted*, That it shall be the duty of the president and directors of the bank of the State of Alabama at Tuscaloosa, to deliver to the president and directors of the branch of the bank of the State of Alabama at Montgomery, all moneys arising from the sales of sixteenth sections in the above named counties or any of them, whenever called upon to do so by the president and directors of the branch bank at Montgomery.

Duty of president and directors of bank of State of Alabama.

Sec. 5. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Approved, January 10, 1835.

[No. 150.]

AN ACT

For the benefit of the citizens of township four in range three west in the county of Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the expiration of the present term for which the school commissioners have been appointed in township four and range three west in the county of Limestone, it shall be lawful for the citizens of said township to elect their own school commissioners of the sixteenth section for said township, which election shall be conducted as hereinafter prescribed, to wit: the judge of the county court of the county of Limestone, shall, so soon as the term expires as aforesaid, issue an order to some constable living in said township, at least twenty days before said election, commanding him to hold said election at some suitable and convenient place in said township, and to give notice of the time and place, by posting up a written notice of the same at three of the most public places in the township, at least ten days before such election shall take place; and it shall be the duty of said constable to summon and appoint two discreet freeholders or house-holders as judges, and two clerks residing in said township, who shall, after being duly qualified before some justice of the peace, as in other cases, proceed to hold said election, and make a due return of the three persons receiving the highest number of votes to the judge of the county court of said county, who shall, after the expiration of five days, give the persons so elected, certificates of their election, unless the election shall be contested by a contending candidate, and in that event the said judge is hereby authorized, and it is hereby made his duty to try, and decide, upon the contest; and should he, upon a full hearing, determine said election to have been improperly and illegally conducted, contrary to the provisions of this act, he shall set aside said election, and forthwith issue his order to the constable to hold a new election in the same manner as herein prescribed, but should he upon a full hearing determine that said election was fairly and correctly

School Commissioners, how elected.

Oath of.

conducted, shall proceed to give the persons thus elected certificates of their election, who shall, within ten days thereafter, and previous to their entering upon the discharge of their duties, take and subscribe before the judge or some justice of the peace for said county the oath now required to be taken by school commissioners, and said commissioners shall continue in office for three years, and until their successors shall have been elected and qualified: *Provided*, They shall continue to reside in said township; vacancies which may occur by removal, expiration of the term of office or other cause, shall in like manner be filled by elections, notice thereof to be given and conducted as aforesaid.

Voters.

Sec. 2. *And be it further enacted*, That all persons residing in said township, who are allowed to vote for members of the general assembly, shall be allowed to vote for school commissioners; the duties, powers and requisitions of the said school commissioners shall be the same as they now are.

Fees of officers.

Sec. 3. *And be it further enacted*, That the judge aforesaid shall receive from the school fund of said township, for the order which he is herein before required to give, the same fee as he is entitled to receive for other orders, the same to be paid, by the commissioners; and the constable for publishing said notice of the election and holding the same, shall receive from school commissioners the sum of two dollars after each and every election.

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 10, 1835.

[No. 151.]

AN ACT

For the benefit of David Woodruff.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of sixty dollars and seventy-five cents be allowed to David Woodruff for blank books, furnished the Supreme Court for the year 1834, and that said sum shall be paid by the treasurer out of any monies not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the comptroller of public accounts be, and he is hereby required to issue his warrant in favor of the following persons for the following sums, to-wit: to Allen Stokes for the sum of one hundred and thirty-two dollars and eighty cents; to Norman McKay, jailor of Marion county, for twenty-one dollars; to John H. Vincent, three hundred and ninety-two dollars for ninety-eight days services assisting in preparing a complete sett of books for the University of Alabama, at four dollars per day; to George W. Crabb, three hundred and ninety-two dollars for ninety-eight days ser-

vice assisting in preparing the sett of books for the University of Alabama, at four dollars per day, to be paid out of the University fund.

Approved, January 10, 1835.

[No. 152.]

AN ACT

To authorize Richard and Stephen Yarborough to erect a saw and grist mill on the Sucaknotchee River in Sumpter county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Richard and Stephen Yarborough be, and they are hereby authorized to erect a saw and grist mill in section four, township eighteen range two west on the Sucaknotchee river in the county of Sumpter.

Sec. 2. *And be it further enacted,* That the said Richard and Stephen Yarborough shall open in the dam cross said river a good and sufficient lock to admit the passage of keel boats and other water craft, which said lock shall be the width of fourteen feet or more, if required, for the admission and passage of such boats and other water craft as may be desired to navigate said river.

Not obstruct navigation.

Sec. 3. *And be it further enacted,* That if the said Richard and Stephen Yarborough should fail or refuse to erect such lock or locks and other necessary conveniences for the passage of boats and other water craft as aforesaid, the said mill shall be deemed a nuisance and therefore removed as such.

Damages

Sec. 4. *And be it further enacted,* That if the erection of said mill, as aforesaid, should flood or injure any land or lands, not belonging to the said Richard and Stephen Yarborough, the said Yarboroughs shall pay all such damages as any person or persons may sustain by the erection of said mill, and if any person or persons should be injured by said mill, they shall in all respects have such damages assessed as now required by law, and if the said Richard and Stephen Yarborough should fail or refuse to pay all such damages as may be legally assessed, the owner or owners of such flooded or injured land or lands shall immediately, after such refusal on the part of the Yarboroughs, have said mill removed as a private nuisance.

Sec. 5. *And be it further enacted,* That if it shall be ascertained that the health of the people of the town of Livingston shall be materially injured or endangered by the erection of the mill hereby authorized, that then and in that case the power and authority herein given to construct such mill, shall be subject to revocation, and the judge of the county court of Sumpter county, shall have power, and it shall be his duty upon the application in writing of any three citizens of said town, to cause a jury to be empanelled and sworn to enquire and determine whether or not, in their opinion, the erection of said mill does materially injure or endanger the health of the

inhabitants of said town of Livingston, and if such jury, upon enquiry into the facts, shall find that in their opinion the health of the people of said town has been, or is likely to be materially injured by the erection of such mill, it shall be the duty of said judge, upon the finding of such jury, to cause the dam of said mill to be abated as a nuisance: *Provided*, the owner of such mill shall have at least ten days previous notice in writing of such intending application. Approved, January 10, 1835.

[No. 153.]

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AN ACT

To provide for the building a jail in the county of Franklin.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue of the county of Franklin, or a majority of them, are hereby authorized to contract for, direct and superintend the building of a jail of such description and dimensions as they, or a majority of them, shall agree upon at the seat of justice of said county, and after having given at least thirty days notice by advertisement of the time and place of letting said jail to contract, shall contract for the erection thereof, with the lowest bidder; who shall enter into bond with approved securities payable to the judge of the county court of said county, and his successors in office, in such sum as he may direct, for the faithful performance of his contract: *Provided*, That said judge and commissioners of roads and revenue, may at their election, appoint commissioners to contract for and superintend the erection of said jail as directed by this act, subject nevertheless to their control at all times.

Sec. 2. *And be it further enacted*, That said judge and commissioners of roads and revenue, and their successors in office, be and they are hereby authorized and required to levy such extra tax, not exceeding three fourths of the State tax, in addition to the ordinary tax of said county on the property and persons of the inhabitants thereof, liable to taxation as in other cases; as shall be sufficient to defray all expenses incurred under this act: *Provided*, That should the additional tax raised in any one year be found insufficient, said special tax may be continued from year to year until the amount collected shall be sufficient for the purpose aforesaid.

Approved, January 10, 1835.

[No 154.]

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AN ACT

Making compensation for certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums be, and the same are hereby appropriated for the payment of certain persons herein named: to M. Kelly, jun. sheriff of Jefferson county, thirty six dol-

lars; G. W.* Moody, judge advocate in the seventeenth regiment Alabama militia, eight dollars; V. Hart, for work done to chandeliers and sand boxes, eighty seven dollars, twelve and half cents; David Ripetoe, deceased, late jailor of Montgomery county, one hundred and sixty four dollars, twenty cents; George W. Elliott, sheriff of Russell county, thirty nine dollars; Kelly & Donahoo, for work done on State capitol, thirty three dollars, seventy five cents; James Rather, for services rendered and articles furnished the State capitol, one hundred and seventy five dollars; David Curry, sheriff of Marengo county, twenty four dollars; William Coke, jailor of Perry county, one hundred and five dollars and twenty cents; Elijah Cothran, jailor of Perry county, sixty three dollars and sixty cents; Jonathan T. Sims, jailor of Perry county, one hundred and thirty one dollars and sixty cents; Joseph Bates, sheriff of Mobile county, two hundred and sixteen dollars and sixty cents; John Gibson, for making congressional returns for Walker county, fifteen dollars; Thomas Toomey, sheriff of Shelby county, forty nine dollars and forty five cents; Solomon Peete, for work done on the State capitol, thirty eight dollars and fifty cents; Jonathan T. Sims, jailor of Perry county, two hundred and fifty five dollars and forty cents; John Boling, jailor of Butler county, seventy four dollars and sixty cents; Archibald Stone, constable in the county of Shelby, for conveying prisoners to the jail of Jefferson county and for other services, twenty three dollars and seventy cents; Joseph Rutherford, jailor of Walker county, twenty seven dollars, sixty two and half cents; Henry Tuttle, sheriff of Walker county, sixty three dollars, eighty seven and half cents; James Daniel, jailor of Walker county, thirty two dollars, sixty cents; Thomas P. Roberts, sheriff of Bibb county, ten dollars; Fieldin Fields, jailor of Lauderdale county, seven hundred dollars and sixty cents; Ashburn R. Coker, sheriff of Coosa county, fifty nine dollars, thirty seven and a half cents; Harrison Young, sheriff of Tallapoosa county, twenty five dollars and eighty cents; William Y. Glover, sheriff of the county of Tuscaloosa, for services rendered to the supreme court, two hundred and thirty nine dollars; Charles Bealle, jailor of the county of Tuscaloosa, three hundred and forty dollars and fifty five cents; Henry Tuttle, sheriff of the county of Walker, thirty two dollars and twelve cents; Joseph Babcock, jailor for Dallas county, one hundred and thirty one dollars and forty cents; Richard Griff, sheriff of Henry county, forty four dollars and ninety cents; Paterson Rodgers, jailor of Lowndes county, one hundred and thirty three dollars; Wade H. Vining, sheriff of the county of Limestone, three hundred and thirty five dollars and eighty five cents; John B. McAllister, sheriff of the county of Greene, one hundred and eighteen dollars and eighty

Compenation
to jailors and
sheriffs.

cents; Richard McGriff, sheriff of the county of Henry, fifty five dollars and fifteen cents; T. L. Toulmin, sheriff of Mobile county, one hundred and fifty seven dollars and twenty seven cents; Joseph Taylor, jailor of Monroe county, twenty eight dollars and sixty cents; Thomas Taylor, sheriff of Chambers county, thirty dollars and seventy five cents; Daniel Lucas, sheriff of Jackson county, two hundred and nineteen dollars and seventy cents; Martin W. Guy, sheriff of the county of Franklin, seventy one dollars and eighty seven and a half cents; William R. Hunt, jailor of the county of Madison, two hundred and thirty six dollars and eighty cents; Matthew Roberts, sheriff and jailor of Lawrence county, two hundred and fifty five dollars and eighty five cents; John C. D. Trott, jailor of Bibb county, twelve dollars and seventy five cents.

compensation
for prosecu-
ting slaves.

Sec. 2. *And be it further enacted*, That the following sums be, and are hereby appropriated, for the payment of persons herein named, for prosecuting slaves, to wit: to William Acklin, for prosecuting Peter, a slave to conviction, on a charge of arson, ten dollars; B. N. Glover, for prosecuting to conviction John, a slave in Sumter county, charged with burglary, ten dollars; Green P. Rice, for prosecuting a negro man slave named Virgil, charged with murder, ten dollars; Matthew W. Lindsay, for prosecuting a negro man slave named Isaac, charged with murder, ten dollars; to W. R. Smith, for prosecuting a negro slave Jane, for arson, ten dollars; William S. Phillips, for prosecuting a slave named Joe, charged with murder, ten dollars; William S. Phillips, for prosecuting negro man slave named Joe, the second time, the case having been taken up to the circuit court, ten dollars.

J. P. Graham.

Sec. 3. *And be it further enacted*, That the following sums be, and the same be allowed John P. Graham, for services as clerk of the committee on privileges and elections in the Senate, in the case of the memorial of James Abercrombie, claiming a right to a seat in the Senate, from the second to the ninth day of December, 1834, inclusive, eight days, at four dollars per day, making thirty two dollars.

Sec. 4. *And be it further enacted*, That the sum of one hundred and twenty five dollars be, and the same is hereby appropriated, for the payment of Charles Lewin, quarter master general, for house rent and for the safe keeping of the public arms.

compensation
to persons for
attendance in
the case of W
G. Anderson.

Sec. 5. *And be it further enacted*, That the further sums be, and the same is hereby allowed to persons attending before the committee of investigation, in the case of William G. Anderson, judge of the county court of Sumter county: William Y. Glover, sargent at arms, be allowed the sum of one hundred dollars; James Thompson, clerk of said committee, the sum of one hundred and eight dollars, John H. Owen, for attendance

as witness before said committee, be allowed twenty three dollars; Amos Fisher, for attendance before said committee, be allowed the sum of twenty six dollars; Richard Prince, for attendance before said committee, be allowed the sum of twenty one dollars; Daniel E. Harper, for attendance before the said committee, be allowed the sum of twenty three dollars; T. B. Thomas, for attendance before the said committee, be allowed the sum of twenty seven dollars and fifty cents; Philip S. Glover, for attendance before the said committee, be allowed the sum of twenty five dollars; J. M. Rushing, for attendance before said committee, be allowed the sum of twenty five dollars; Daniel Womack, for attendance before said committee, be allowed the sum of twenty five dollars; Peter Doty, for attendance before the said committee, be allowed the sum of twenty five dollars; L. Wright, for attendance before the said committee, be allowed the sum of fifteen dollars: *And be it further enacted*, That the sum of two hundred and sixty six dollars be and the same is hereby appropriated for the payment of Augustin Lynch, for furniture made and furnished in the supreme court room, by order of the commissioners on the State capitol: *And be it further enacted*, That so much of the law passed on the eighteenth day of January, 1834, entitled an act making appropriations for the payment of certain claims against the State of Alabama, as allows a claim to L. B. Patton, be changed so as to make it read, S. B. Patton, in as much as this house is informed that a mistake exists in the name, and the one now inserted is the true one, and the sum of two hundred and twelve dollars and thirty three cents, to William D. Hill, tax collector, amount by him paid more than was due to the State: *Be it further enacted*, That seven dollars and two cents be appropriated to Henry Garrard, tax collector in Lauderdale county, for that sum overpaid to the Treasurer, for the taxes of 1834, by said Garrard: *And be it further enacted*, That the Comptroller of Public Accounts be, and he is hereby authorised to issue his warrant in favor of the commissioners of the State capitol, to defray all expenses incurred under joint resolutions, authorising the said commissioners to procure additional furniture for the Senate and House of Representatives and for other purposes, including furniture for the supreme court room, approved January 17, 1834, which shall be paid out of any money in the Treasury not otherwise appropriated.

Sec. 6. *And be it further enacted*, That the sum of fifteen dollars be appropriated to John W. Dunn, for boxes for use of supreme court room; the sum of fifty two dollars, to John Richardson for coal; the sum of twenty six dollars and fifty cents, to Daniel Hamer for wood; the sum of seven dollars and fifty cents, to H. Perkins; for wood, &c. seven dollars and fifty cents; to Augustin Lynch, for work done, twenty eight dol-

A. Lynch.

S. B. Patton.

W. D. Hill.

H. Garrard.

Commissioners State capitol.

J. W. Dunn.

J. Richardson

D. Hamer.

H. Perkins.

A. Lynch.

J. Tatom.

lars and sixty three cents; and to John Tatom, for servant hire, thirty five dollars.

To different
persons for
stationary.

Sec. 7. *And be it further enacted*, That the following sums be, and the same are hereby appropriated, to persons herein after mentioned, for stationary furnished the present session, to wit: to D. Woodruff, the sum of eighty seven dollars and twenty five cents; to Battle and Miller, ten dollars; to Thomas Miller, the sum of twenty seven dollars and seventy five cents; to J. & M. Lacy, twenty four dollars and thirty two cents; to Joel White, the sum of fifteen dollars and seventy five cents; to James Hogan & Co. the sum of eighty seven dollars and ninety six cents and a half; to Kellog & Pfister, three dollars and fifty cents: to John O. Cummins & Co. sixteen dollars and thirty one cents; to Benjamin C. Oppelt, for services as clerk for the Senate in enrolling bills, three dollars: *And be it further enacted*, That the sum of four dollars be, and the same is hereby appropriated to Archibald M. Alexander, for one days service as a clerk to a committee of this house.

B. Oppelt.

A. M. Alexander.

Approved, January 10, 1835.

[No. 155.]

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AN ACT

To change the time of holding the county courts in certain counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county court in the county of Coosa, shall hereafter commence and be holden on the first Mondays in February and August; in the county of Chambers, on the second Mondays in February and August; in the county of Tallapoosa, on the third Mondays in February and August; in the county of Russell, on the fourth Mondays in February and August, in each and every year.

Sec. 2. *And be it further enacted*, That all process now or hereafter made returnable to the first terms of the county courts in either of the counties above mentioned, according to the existing laws, shall be returnable to the first term of the county court of the county in which said process may have been issued, holden according to the provision of this act, and shall be proceeded on in every respect, as if the same had been made returnable thereto.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved 9th December, 1834.

[No. 156.]

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AN ACT

To attach that part of St. Clair, east of the Coosa river, to a certain point to Benton county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That all that section of the country east of the Coosa river, commencing at the mouth of Will's creek, and running up said river to Childress' ferry, and from thence following the Georgia road from the said ferry to the Georgia line, be and the same is hereby attached to Blount county, and the said Coosa river on one side, and the Georgia road on the other, are hereby made and established, as the county boundaries of the said counties.

Sec. 2. *And be it further enacted*, That all acts and parts of acts coming within the perview of this act be, and the same are hereby repealed.

Approved, December 30, 1834.

[No. 157]

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AN ACT

To incorporate the Millville Light Horse Company in the county of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That captain D. A. Hall, lieutenant J. H. Staggers, second lieutenant Vincent A. S. Underwood, and Thomas H. Briggs, and their associates in said volunteer company, of the county of Butler, be, and they are hereby incorporated under the name and style of the Millville Light Horse, with power to pass such by-laws for the government of said company, as may be deemed necessary.

Sec. 2. *And be it further enacted*, That the privates who live within the reach of said company, in the county of Pike, shall be authorised to become members of said Millville Light Horse Company, which shall exempt them from military duty in said county, so long as they may continue as members of said company: *Provided*, that no company beat in the county of Butler or Pike, be reduced to a less number than forty privates, by the said incorporated company.

Approved, January 10, 1835.

[No. 158.]

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AN ACT

For the speedy trial of certain suits in the circuit court of Dallas county.

WHEREAS, certain suits have been commenced on behalf of the county of Dallas, in the circuit court of said county, against Peter Leensford, late tax collector of said county, and his securities in office. And whereas, the said Leensford has absconded, and the said securities are likely to be greatly injured and oppressed by the attendance from day to day, and from term to term, of a great many witnesses on behalf of the county, to establish small sums, supposed to have been collected by said collector, and not accounted for.

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That said causes be taken up for trial on the second day of the next term of the circuit court aforesaid, and

that the same be tried, and that no continuance of any of said causes be granted by said court.

Approved, 10th January, 1835.

[No. 159]

AN ACT

For the relief of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for Catharine Caldwell, guardian of Samuel Caldwell, and James W. Caldwell, minor heirs of Spencer R. Caldwell, to remove the personal property belonging to said heirs, out of the State of Alabama, into the State of Georgia: *Provided, however,* That the said Catharine Caldwell shall, before removing said property, produce vouchers sufficient to satisfy the judge of the county court of Lowndes county, that she has been regularly appointed guardian of said heirs, and given bond sufficient to cover the full value of their property, agreeably to the laws of said State of Georgia, which vouchers, by order of said judge, shall be entered on the records of the Orphans court of Lowndes county, aforesaid; and the said Catharine Caldwell shall have power to maintain any suit or action in law or equity for the recovery of said property in this State: *And provided further,* That before the said Catharine Caldwell shall remove said property to the State of Georgia, she shall make full and complete settlement of her accounts, as guardian of the said Samuel Caldwell and James W. Caldwell, with the Orphans court of Lowndes county.

Approved, January 10, 1835.

[No 151.]

AN ACT

To raise a Revenue in certain counties therein named and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the assessor and Tax collector for the county of Henry, shall assess and collect annually the sums of one half cent for each head of neat cattle (work oxen excepted) above twenty-five head owned or kept by any citizen of said county, which amount when collected shall be paid over to the county Treasurer of said county, for county purposes.

Sec. 2. *And be it further enacted,* That the Judge of the county Courts and Commissioners of Roads and Revenue, for the counties of Dale and Covington, shall at the time of levying the county Tax for their respective counties, levy a tax not less than one half cent, nor more than one cent, on each head of neat cattle above twenty-five, (work oxen excepted) owned or kept by any citizen of said county, which tax shall be assessed and collected by the tax assessor and collector of said counties, and paid over to the county Treasurer for county purposes.

Sec. 3. *And be it further enacted*, That the Judge of the county Courts and Commissioners of Roads and Revenue of the counties of Henry, Dale and Covington, be and they are hereby authorised and required to levy a tax of twelve and one half cents upon each head of cattle kept within their respective counties and owned by any person not a citizen of this State.

Sec. 4. *And be it further enacted*, That each grand and petit juror, drawn and summoned to attend the circuit and county Courts of Dale county, shall be entitled to receive for each day he may serve as such the sum of one dollar per day, and four cents per mile going to and returning from said Courts, which shall be paid out of any money in the county Treasury not otherwise appropriated upon the production of the Clerk's certificate of such services—any law to the contrary notwithstanding.

Sec. 5. *And be it further enacted*, That Abner Hill and George W. Williams of Henry county and John Ard of the county of Dale be and they are hereby appointed Commissioners to examine the Books of the Treasurer of the counties of Henry and Dale in relation to the amount collected under a special law levying twenty per cent upon the State Tax in said counties for the use of Robert Irvin and Pelatiah Whitehurst, and the said Commissioners shall make out a correct report of the several amounts collected in each of said counties, together with the payments made by each county Treasurer, which report shall be made to the Clerk of the county Courts of the said counties and by them recorded.

Sec. 6. *And be it further enacted*, That the Commissioners appointed by the 4th Section of this act shall have power to call upon the county Treasurer of said counties now in office, or those who may have exercised the power of that office, for an inspection of their books, and shall have the further power of causing the attendance of any witness before them living in either of the counties for the purpose of accomplishing the object of this law, for which service the said Commissioners shall be entitled each to two dollars for each and every day they may be engaged in this investigation, to be paid out of the money arising from the levy of the twenty per cent named in this act.

Approved, January 10, 1835.

JOINT RESOLUTION explanatory of an act approved November 17th 1832, for the relief of Archibald P. Howe and William C. Wilson.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the comptroller of public accounts be instructed to draw his warrant upon the authority of William C. Wilson (for the amount of an appropriation made to said Wilson and Archibald P. Howe, by an act of the general assembly, approved 17th November, 1832, for three hundred dollars) or for such part of said appropriation as may not have been previously drawn; upon said Wilson's making a relinquishment, pursuant to the requirements of said act; and by himself or through some other for him fully indemnifying the State against the claim or demand of said Howe, on account of said appropriation or such part as may be drawn

upon the authority aforesaid, by giving bond and security to the governor of the State of Alabama, and his successors, in the sum of three hundred dollars, to be approved of by the comptroller of public accounts.

Approved, January 10, 1835.

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JOINT RESOLUTIONS to our Senators and Representatives in Congress.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators in congress be, and they are hereby instructed, and our representatives in congress requested, to use their influence in trying to obtain a reduction in the minimum price of public lands that has once been exposed to sale.

And be it further resolved, That his excellency the governor be, and he is hereby requested to forward a copy of the above resolution to each of our senators and representatives in congress.

Approved, January 9, 1835.

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JOINT RESOLUTION requiring the Secretary of State to make out copies of certain acts and forward to the several Banks.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter it shall be the duty of the Secretary of State, and he is hereby requested immediately after the adjournment of each session of the general assembly to make out copies of all acts and joint resolutions passed at the previous session, in any manner relating to the several Banks in this State, and immediately forward them to the president of each of said Banks.

Approved, January 9, 1835.

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JOINT RESOLUTIONS requesting the Hon. Gabriel Moore to resign his seat in the Senate of the United States.

WHEREAS, our senator in congress, the Hon. Gabriel Moore, has on sundry occasions during his official career, and especially during the latter part of it, both in and out of congress, exhibited manifest and indubitable evidences of a close alliance and cordial co-operation with that combination of parties which have united themselves to oppose and embarrass the present national administration; an administration which the people of Alabama feel a great anxiety to sustain, because they believe its prominent measures and course of policy to be dictated by wisdom and patriotism, and under which they have experienced a degree of liberty, happiness and prosperity unsurpassed in any other age or clime: And whereas in so doing, senator Moore has evinced a strong partiality, if not positively committed himself in favor of the heretical doctrine of nullification, which the people of this State hold to be, in its practical tendencies, fatal to the harmony and perpetuity of our inestimable Union, and pursued a course of conduct in palpable violation of the known wishes, and disregard to the known sentiments of a large majority of his constituents, the good people of Alabama: therefore,

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the immediate resignation of senator Moore would entirely comport with their wishes, and in their decided and unhesitating opinion with the wishes of an overwhelming majority of the voters of this State.

And be it further resolved, That under such circumstances it is the duty of senator Moore, in justice to the constituency that he has misrepresented, to the remnant of devotion to republican principles that he yet professes, and to the vital and fundamental principles of our representative system of government, to transmit forthwith his resignation to his excellency the governor, that an individual more acceptable to the people of this State, and better calculated, conscientiously and properly to represent their wishes, may be elected by their representatives.

And be it further resolved, That his excellency the governor of this State be, and he is hereby requested to forward forthwith a copy of the foregoing preamble and resolutions to the Hon. Gabriel Moore.

Approved January 10, 1835.

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JOINT RESOLUTION authorizing the purchase of maps.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his excellency the governor be, and he is hereby

authorized to purchase six of Mitchell's maps of the United States: that is one for each of the executive rooms, and one for the senate and one for the house of representatives.

And be it further resolved, That the sum of sixty dollars is hereby appropriated to pay for the same out of any money in the treasury not otherwise appropriated, for which the governor may draw his warrant on the comptroller.

Approved, January 10, 1835.

JOINT RESOLUTION asking the establishment of a pension agency at the seat of government in Alabama.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the senators in congress from this State be instructed and the representatives, requested to use the proper means, if within their power, to have, at the seat of government, a pension agent to pay the pensions of the revolutionary soldiers.

Approved, January 10, 1835.

JOINT RESOLUTIONS upon the subject of the importance of graduating the price of the public lands.

WHEREAS, the members of the present general assembly of the State of Alabama believe that it would comport with the interest of the general government, as well as with the interest of the citizens of the new States generally, and of the State of Alabama in particular, for the congress of the United States, in their wisdom, to adopt a system for graduating the price of the public lands in the State of Alabama and the other new States:

Be it therefore resolved, That our senators and representatives in congress be earnestly requested to use all the exertions in their power to introduce and obtain the adoption of the most favorable system for graduating the price of the unsold public lands in this State without delay.

And be it further resolved, That his excellency the governor be, and he is hereby requested to forward a copy of these resolutions to each of our senators and representatives in congress without delay.

Approved, January 10, 1835.

JOINT RESOLUTIONS instructing our senators in congress upon certain resolutions of the last session of Congress with regard to the executive.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That whereas the legislature of a State, acting as the representatives of the people, have the right, and it is unquestionably their duty whenever they deem it necessary, to instruct their senators in congress on all questions of importance; and whereas there is not a doubt, but a large majority of the citizens of Alabama are solicitous to have expunged from the journals of the senate of the United States, that odious resolution, which in effect amounted to a trial, without impeachment and condemnation without the forms prescribed by the constitution, declaring that the president in his late executive proceedings, in relation to the deposits had assumed authority and power, not conferred by the constitution and laws, but in derogation of both. Therefore,

Resolved, that our senators be instructed to use untiring efforts to have the same expunged from the journals of the United States senate.

Resolved, that his excellency the governor of this State be requested to transmit forthwith to our senators a copy of the foregoing resolutions.

Approved, January 10, 1835.

JOINT MEMORIAL to the Congress of the United States in relation to the sixteenth sections in that portion of Alabama commonly called the Creek Territory.

The general assembly of the State of Alabama would respectfully represent to the Congress of the United States, that according to the act admitting the State of Alabama into the Union, it is provided, "that the section numbered sixteen in every township, and where each section has been sold, granted or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of each township for the use of schools;" and whereas most of the sixteenth sections, and all the lands lying contiguous, have been taken by Indian reservations in some of the

counties, the said sections in many instances being valuable; your memorialists therefore respectfully suggest that the said sixteenth sections be revalued, and that the several amounts be placed to the credit of the inhabitants of the same or other lands of equal value be set apart for their use. Your memorialists respectfully submit the foregoing suggestions to the justice and liberality of the representatives of the United States, hoping that some means may be devised, whereby the just claims of the inhabitants of the aforementioned counties may be placed upon the same footing with others of this State.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators and representatives in Congress be requested to use their endeavors to procure the passage of a law embracing the objects of the foregoing memorial.

Resolved, That the Governor be requested to transmit a copy of the foregoing memorial and resolutions to each of our senators and representatives in Congress.

Approved, January 10, 1835.

JOINT RESOLUTIONS of the General Assembly of the State of Alabama against the re-charter of the Bank of the United States.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators in congress be hereby instructed and our representatives requested, to oppose a recharter of the United States Bank, and also to oppose a restoration of the deposits.

And be it further resolved, That it is the opinion of this general assembly that the act of Congress incorporating the subscribers to the stock of the Bank of the United States is unconstitutional, and ought not to be renewed.

And be it further resolved, As the opinion of this general assembly, that the removal of the public monies from the custody of the Bank of the United States, was authorized by the charter of said Bank.

And be it further resolved, That whatever difference of opinion may have existed as to the policy of the removal of the public deposits, it is the opinion of this general assembly, that the restoration of the public funds to the custody of the United States Bank would be unwise, unnecessary, and injurious to the best interests of the people of the United States.

And be it further resolved, That His Excellency, the Governor, be requested to forward a copy of these resolutions to our senators and representatives in the Congress of the United States.

And be it further resolved, That our senators in Congress be instructed, and our representatives be requested, to exert themselves to procure the passage of an act to regulate and secure the deposite of the public monies in such places as Congress shall deem most expedient and proper, other than the Bank of the United States.

Approved, January 10, 1835.

JOINT MEMORIAL to the Congress of the United States asking the privilege of entry agreeable to the provisions of the pre-emption act of 1833.

The memorial of the general assembly of the State of Alabama, respectfully represents to your honorable body, that persons living in the fractional townships of the creek purchase are denied the right of entry of the lands on which they reside agreeable to the provisions of the pre-emption act of 1833.

Your memorialists therefore humbly hope that the facts embodied in this memorial will receive the attentive consideration of your honorable body and that if found true and just that our citizens may receive the benefits designated from the act above referred to. They therefore request that your honorable bodies will be pleased to bestow on this subject the attention it may be esteemed to deserve, and as in duty bound your memorialists will ever pray.

Resolved, That our senators be instructed, and our representatives requested, to use their best exertions to procure the relief requested by the foregoing memorial.

And be it further resolved, That His Excellency, the Governor, be requested to transmit one copy of the foregoing memorial to each of our senators and representatives in Congress.

Approved, January 10, 1835.

JOINT MEMORIAL of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the Congress of the United States.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the legislature of the State of Alabama, would most respectfully represent, that the State of Alabama, has been for some years greatly desirous to have the boundary line between the States of Alabama and Georgia established; for this purpose, the legislature of Alabama has heretofore proposed to the authorities of Georgia, that commissioners might be appointed by the two States to determine the permanent boundary line between said States. This proposition, though so just and reasonable, has not been acceded to by the State of Georgia, but she insists on her present western boundary remaining as heretofore fixed by herself. This determination on the part of the State of Georgia, is believed to arise from the fact, that she has disposed of, to her citizens, the fee simple in the soil along her western boundary, and a change therefore in said boundary might interfere with the grants to her citizens. In order to avoid this difficulty, your memorialists would respectfully ask of Congress to grant and relinquish to the persons who have acquired title from the State of Georgia, whatever lands may fall within the State of Alabama, and which have been disposed of by the State of Georgia to private persons by lottery sale or otherwise, when the boundary line between the States of Georgia and Alabama may be run and determined on, and your memorialists, as in duty bound, will ever pray.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators be instructed, and our representatives requested, to aid in effecting the object of the foregoing memorial.

And be it further resolved, That His Excellency, the Governor, forward a copy of this memorial to each of our senators and representatives in Congress.

Approved, January 10, 1835.



JOINT MEMORIAL to the Congress of the United States on the subject of the two per cent fund, and for other purposes.

Your memorialists would respectfully represent that, by the act of Congress, passed the 2nd of March, 1819, to enable the people of the State of Alabama to form a State Government, two per cent of the nett proceeds of the sales of the public lands lying within the State of Alabama, are reserved and set apart to make a road or roads leading to the said State, under the direction of Congress.

Your memorialists believe that there are no road or roads leading to said State, or that are necessary to be made to facilitate the intercourse of the people of this State with the adjoining States, upon which this fund would be expended by Congress; and that unless the conditions of the donation are altered, this portion of the five per cent reserved for the benefit of the people of Alabama, will be entirely useless.

Your memorialists therefore pray that Congress would pass a law, placing this fund under the control of the State, for the purpose of constructing a rail-way from the Tennessee Valley to the waters of the Mobile Bay. They believe that this work would be such a one as would effectuate the intentions of Congress, in making the reservation of the two per cent fund, to be expended under their direction. This rail-way will not only connect the two great divisions of the State, but will enable the people of East Tennessee, to carry their breadstuffs and other articles to South Alabama; where they will find a good market, and will open a cheap and expeditious access to the sea port towns of South Alabama, for all the country watered by the Tennessee river and its tributaries, as well as for many of the rich counties of Middle Tennessee.

Your memorialists believe this work important in a national point of view—and have no doubt if the contemplated rail road should be completed, the people of Tennessee would find it to their interest to extend it into that State.

Your memorialists would further represent, that the contemplated rail-way, will pass through a portion of the State containing a large quantity of public lands, that have been long in the market, but owing to their sterility, will not sell at the minimum price of the government lands. They therefore ask Congress to pass a law, authorizing the condemnation of a section of land on each side of said rail road, wherever

the land may belong to the United States. This land, although valueless for other purposes, will afford a good supply of timber and other materials for the construction of a rail road.

Resolved, That the Governor of this State be requested to furnish a copy of this memorial to each of our senators and representatives in Congress, with instructions to lay the same before that body.

Approved, January 10, 1835.

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JOINT MEMORIAL in relation to Public Lands.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists would respectfully represent to your honorable body that many of the earliest settlers and most worthy and valuable citizens of the State of Alabama became purchasers of lands from the United States, in the years of 1818 and 1819, at the extravagant prices at which they were then selling, and made settlements upon. It is a part of the history of this State, that at that time, cotton, the staple commodity of the country, was selling at a most extravagant price, thereby imparting an unreasonable and unreal value to all other property; therefore, the purchases of land made under such circumstances, a price greatly exceeding their real value was, in most, if not in every instance, given for them. Shortly after, however, cotton fell in the price, and produced a corresponding depreciation in the value of all other property.

So great and distressing was the state of things, that Congress at its session in the year 1820, passed a law for the relief of land purchasers, allowing them the privilege of relinquishing a part and applying the payments made thereon to other parts retained, and of paying the residue of the purchase money at a discount of thirty-seven and a half per cent, or to take a further credit of six or eight years without interest, according to the instalments paid.

Believing that the terms offered by this act, even the best that would ever be proposed, the class of purchasers to which your memorialists allude, feeling the great importance of securing homes for their families, paid the whole price of the lands retained either by relinquishment or in cash at the discount. Since that time, however, Congress has, from time to time, extended relief to those who took further credit until the session of 1829 and '30, when a law passed, giving to those who had paid the amount of three dollars and fifty cents per acre, patents for their lands without further payment; and to those who had paid this amount, the privilege of paying one dollar and twenty five cents, or less, in addition to what they had paid, and receiving a patent for their lands. The first class of persons, thus relieved, was composed of those who purchased land at the price of fourteen dollars and upwards, the second of those who purchased at a less price; another class of purchasers who had only paid one twentieth part of the purchase money and permitted their lands to revert, were relieved by granting them scrip to the amount they had paid.

Thus it is shown to your honorable body, that all other classes of land purchasers, except those who were most prompt in paying their money into the public treasury, have been relieved; and your memorialists are entirely unable to see any justice in making this difference to the prejudice of those who had been most prompt in payment, and nothing is more common than to see persons residing in the same neighborhood, and in fact, adjoining each other with only an imaginary line between them occupying lands of equal value, which were bid off at the same price at the sales, one of whom has paid twenty dollars per acre for his land, and the other only five, and so in proportion to the various prices at which the land sold. Such inequality is diametrically opposed to those principles of equal justice, which should constitute the foundation of all legislation.

Your memorialists conceive it to be the duty of all governments, and particularly our own, so to legislate that equal rights and equal privileges may be established and preserved among its citizens, and to hold out every inducement to punctuality and good faith. Your memorialists cannot believe that the inequality in the law to which they allude was designed by Congress, but that it was the result of inadvertence, for your honorable body are not unapprised that the citizens alluded to are as valuable as those who have been relieved, and according to the revenue laws of this

State, have been compelled for years to pay a larger amount of taxes than those who had only paid a small portion of the purchase money on their lands. Your memorialists therefore pray that a law may be passed, placing this class of purchasers upon an equal footing with others, who have received such ample and generous relief. And that the treasury may not be burthened by having to refund this money, your memorialists will be satisfied for this class of purchasers to be placed on the same footing with those who permitted the lands they had purchased to revert to the government, by granting them scrip receivable in payment for other lands which may hereafter be sold by the government—and in extending the benefit asked for your memorialists, will, as in duty bound, ever pray, &c.

Resolved, That our senators in Congress be instructed, and our representatives be requested, to use every exertion in their power to carry the foregoing memorial into effect, and that His Excellency, the Governor, be requested to furnish each of our representatives in Congress with a copy of the same.

Approved, January 10, 1835.



JOINT RESOLUTIONS to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That immediately after the adjournment of the present general assembly, it shall be the duty of the door keeper of each House, to put all the furniture of the House of which he was door keeper in order, and in the presence of each, to take a correct and true inventory of all such furniture, together with the stationary that may be on hand; for which services, the said door keepers shall each receive the sum of fifteen dollars, to be paid by the comptroller.

And be it further resolved, That it shall be, and is hereby made the duty of James Rather, the messenger of the House of Representatives, to receipt for all such furniture and stationary as aforesaid, and to file the same, together with the aforesaid inventory, in the office of the Secretary of State.

And be it further resolved, That it shall likewise be the duty of the said James Rather, to take charge of all the vacant rooms in the State capitol, to have the same ventilated and kept clean, and deliver the same, together with the furniture and stationary aforesaid, to the proper authorities, at the commencement of the next session of the general assembly.

And be it further resolved, That for the faithful performance of all the aforesaid duties, the sum of seventy five dollars shall be paid to the said James Rather.

Approved January 10, 1835.

DEPARTMENT OF STATE,

TUSCALOOSA, ALABAMA, FEBRUARY 28, 1835. }

I have carefully examined the foregoing acts and resolutions, and find them to be true copies of the original rolls on file in this office.

EDMUND A. WEBSTER, *Secretary of State.*

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